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THE GIFT OF
Prof. W. H. Hobbs

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THE

WORKS

OF

THE RIGHT HONORABLE

EDMUND BURKE.

FIFTH EDITION.

VOL. VI.

BOSTON:
LITTLE, BROWN, AND COMPANY.
1877.

Cambridge:
Presswork by John Wilson & Son.

Replace
GIFT OF
PROF. W. H. HOBBS
8/8/46

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PREFACE

TO THE SECOND POSTHUMOUS VOLUME,*

IN A LETTER TO

THE RIGHT HON. WILLIAM ELLIOT

MY DEAR SIR, — As some prefatory account of the materials which compose this second posthumous volume of the Works of Mr. Burke, and of the causes which have prevented its earlier appearance, will be expected from me, I hope I may be indulged in the inclination I feel to run over these matters in a letter to you, rather than in a formal address to the public.

Of the delay that has intervened since the publication of the former volume I shall first say a few words. Having undertaken, in conjunction with the late Dr. Laurence, to examine the manuscript papers of Mr. Burke, and to select and prepare for the press such of them as should be thought proper for publication, the difficulties attending our coöpera-

* Works, Vol. V., quarto edition, (London, F., C., & J. Rivington, 1812,) — Vol. IV. of that edition (London, F. & C. Rivington, 1802) being the first posthumous volume, — and Vols. I., II., and III. (London, J. Dodsley, 1792) comprising the collection published during the lifetime of Mr. Burke.

tion were soon experienced by us. The remoteness of our places of residence in summer, and our professional and other avocations in winter, opposed perpetual obstacles to the progress of our undertaking.

Soon after the publication of the fourth volume, I was rendered incapable of attending to any business by a severe and tedious illness. And it was not long after my recovery before the health of our invaluable friend began gradually to decline, and soon became unequal to the increasing labors of his profession and the discharge of his Parliamentary duties. At length we lost a man, of whom, as I shall have occasion to speak more particularly in another part of this undertaking, I will now content myself with saying, that in my humble opinion he merited, and certainly obtained with those best acquainted with his extensive learning and information, a considerable rank amongst the eminent persons who have adorned the age in which we have lived, and of whose services the public have been deprived by a premature death.

From these causes little progress had been made in our work when I was deprived of my coadjutor. But from that time you can testify of me that I have not been idle. You can bear witness to the confused state in which the materials that compose the present volume came into my hands. The difficulty of reading many of the manuscripts, obscured by innumerable erasures, corrections, interlineations, and marginal insertions, would perhaps have been insuperable

to any person less conversant in the manuscripts of Mr. Burke than myself. To this difficulty succeeded that of selecting from several detached papers, written upon the same subject and the same topics, such as appeared to contain the author's last thoughts and emendations. When these difficulties were overcome, there still remained, in many instances, that of assigning its proper place to many detached members of the same piece, where no direct note of connection had been made. These circumstances, whilst they will lead the reader not to expect, in the cases to which they apply, the finished productions of Mr. Burke, imposed upon me a task of great delicacy and difficulty,—namely, that of deciding upon the publication of any, and which, of these unfinished pieces. I must here beg permission of you, and Lord Fitzwilliam, to inform the public, that in the execution of this part of my duty I requested and obtained your assistance.

Our first care was to ascertain, from such evidence, internal and external, as the manuscripts themselves afforded, what pieces appeared to have been at any time intended by the author for publication. Our next was to select such as, though not originally intended for publication, yet appeared to contain matter that might contribute to the gratification and instruction of the public. Our last object was to determine what degree of imperfection and incorrectness in papers of either of these classes ought or

ought not to exclude them from a place in the present volume. This was, doubtless, the most nice and arduous part of our undertaking. The difficulty, however, was, in our minds, greatly diminished by our conviction that the reputation of our author stood far beyond the reach of injury from any injudicious conduct of ours in making this selection. On the other hand, we were desirous that nothing should be withheld, from which the public might derive any possible benefit.

Nothing more is now necessary than that I should give a short account of the writings which compose the present volume.

I. Fourth Letter on a Regicide Peace.

Some account has already been given of this Letter in the Advertisement to the fourth quarto volume.* That part of it which is contained between the first and the middle of the page 67 † is taken from a manuscript which, nearly to the conclusion, had received the author's last corrections: the subsequent part, to the middle of the page 71,‡ is taken from some loose manuscripts, that were dictated by the author, but do not appear to have been revised by him; and though they, as well as what follows to the conclusion, were evidently designed to make a part of this Letter, the

* Prefixed to the first volume, in the other editions. For the account referred to, see, in the present edition, Vol. I., pp. xiii., xiv.

† Page 86 of the present edition.

‡ In this edition, p. 91, near the top.

editor alone is responsible for the order in which they are here placed. The last part, from the middle of the page 71, had been printed as a part of the Letter which was originally intended to be the third on Regicide Peace, as in the preface to the fourth volume has already been noticed.

It was thought proper to communicate this Letter before its publication to Lord Auckland, the author of the pamphlet so frequently alluded to in it. His Lordship, in consequence of this communication, was pleased to put into my hands a letter with which he had sent his pamphlet to Mr. Burke at the time of its publication, and Mr. Burke's answer to that letter. These pieces, together with the note with which his Lordship transmitted them to me, are prefixed to the Letter on Regicide Peace.

II. Letter to the Empress of Russia.
III. Letter to Sir Charles Bingham.
IV. Letter to the Honorable Charles James Fox.

Of these Letters it will be sufficient to remark, that they come under the second of those classes into which, as I before observed, we divided the papers that presented themselves to our consideration.

V. Letter to the Marquis of Rockingham.
VI. An Address to the King.
VII. An Address to the British Colonists in North America.

These pieces relate to a most important period in

the present reign; and I hope no apology will be necessary for giving them to the public.

VIII. Letter to the Right Honorable Edmund [Sexton] Pery.

IX. Letter to Thomas Burgh, Esq.

X. Letter to John Merlott, Esq.

The reader will find, in a note annexed to each of these Letters, an account of the occasions on which they were written. The Letter to T. Burgh, Esq., had found its way into some of the periodical prints of the time in Dublin.

XI. Reflections on the Approaching Executions.

It may not, perhaps, now be generally known that Mr. Burke was a marked object of the rioters in this disgraceful commotion, from whose fury he narrowly escaped. The Reflections will be found to contain maxims of the soundest judicial policy, and do equal honor to the head and heart of their illustrious writer.

XII. Letter to the Right Honorable Henry Dundas; with the Sketch of a Negro Code.

Mr. Burke, in the Letter to Mr. Dundas, has entered fully into his own views of the Slave Trade, and has thereby rendered any further explanation on that subject at present unnecessary. With respect to the Code itself, an unsuccessful attempt was made to procure the copy of it transmitted to Mr. Dundas. It was not to be found amongst his papers. The Editor

has therefore been obliged to have recourse to a rough draft of it in Mr. Burke's own handwriting; from which he hopes he has succeeded in making a pretty correct transcript of it, as well as in the attempt he has made to supply the marginal references alluded to in Mr. Burke's Letter to Mr. Dundas.

XIII. Letter to the Chairman of the Buckinghamshire Meeting.

Of the occasion of this Letter an account is given in the note subjoined [prefixed] to it.

XIV. Tracts and Letters relative to the Laws against Popery in Ireland.

These pieces consist of,—

1. An unfinished Tract on the Popery Laws. Of this Tract the reader will find an account in the note prefixed to it.
2. A Letter to William Smith, Esq. Several copies of this letter having got abroad, it was printed and published in Dublin without the permission of Mr. Burke, or of the gentleman to whom it was addressed.
3. Second Letter to Sir Hercules Langrishe. This may be considered as supplementary to the first letter, addressed to the same person in January, 1792, which was published in the third volume.*
4. Letter to Richard Burke, Esq. Of this letter

* In the fourth volume of the present edition.

it will be necessary to observe, that the first part of it appears to have been originally addressed by Mr. Burke to his son in the manner in which it is now printed, but to have been left unfinished; after whose death he probably designed to have given the substance of it, with additional observations, to the public in some other form, but never found leisure or inclination to finish it.

5. A Letter on the Affairs of Ireland, written in the year 1797. The name of the person to whom this letter was addressed does not appear on the manuscript; nor has the letter been found to which it was written as an answer. And as the gentleman whom he employed as an amanuensis is not now living, no discovery of it can be made, unless this publication of the letter should produce some information respecting it, that may enable us in a future volume to gratify, on this point, the curiosity of the reader. The letter was dictated, as he himself tells us, from his couch at Bath; to which place he had gone, by the advice of his physicians, in March, 1797. His health was now rapidly declining; the vigor of his mind remained unimpaired. This, my dear friend, was, I believe, the last letter dictated by him on public affairs: — here ended his political labors.

XV. Fragments and Notes of Speeches in Parliament.

1. Speech on the Acts of Uniformity.
2. Speech on a Bill for the Relief of Protestant Dissenters.
3. Speech on the Petition of the Unitarians.
4. Speech on the Middlesex Election.
5. Speech on a Bill for shortening the Duration of Parliaments.
6. Speech on the Reform of the Representation in Parliament.
7. Speech on a Bill for explaining the Powers of Juries in Prosecutions for Libels.

*7. Letter relative to the same subject.

8. Speech on a Bill for repealing the Marriage Act.
9. Speech on a Bill to quiet the Possessions of the Subject against Dormant Claims of the Church.

With respect to these fragments, I have already stated the reasons by which we were influenced in our determination to publish them. An account of the state in which these manuscripts were found is given in the note prefixed to this article.

XVI. Hints for an Essay on the Drama.

This fragment was perused in manuscript by a learned and judicious critic, our late lamented friend, Mr. Malone; and under the protection of his opinion

we can feel no hesitation in submitting it to the judgment of the public.

XVII. We are now come to the concluding article of this volume, — the Essay on the History of England.

At what time of the author's life it was written cannot now be exactly ascertained; but it was certainly begun before he had attained the age of twenty-seven years, as it appears from an entry in the books of the late Mr. Dodsley, that eight sheets of it, which contain the first seventy-four pages of the present edition,* were printed in the year 1757. This is the only part that has received the finishing stroke of the author. In those who are acquainted with the manner in which Mr. Burke usually composed his graver literary works, and of which some account is given in the Advertisement prefixed to the fourth volume, this circumstance will excite a deep regret; and whilst the public partakes with us in this feeling, it will doubtless be led to judge with candor and indulgence of a work left in this imperfect and unfinished state by its author.

Before I conclude, it may not be improper to take this opportunity of acquainting the public with the progress that has been made towards the completion of this undertaking. The sixth and seventh vol-

* The quarto edition, — extending as far as Book II. ch. 2, near the middle of the paragraph commencing, "The same regard to the welfare of the people," &c.

umes, which will consist entirely of papers that have a relation to the affairs of the East India Company, and to the impeachment of Mr. Hastings, are now in the press. The suspension of the consideration of the affairs of the East India Company in Parliament till its next session has made me very desirous to get the sixth volume out as early as possible in the next winter. The Ninth and Eleventh Reports of the Select Committee, appointed to take into consideration certain affairs of the East India Company in the year 1783, were written by Mr. Burke, and will be given in that volume. They contain a full and comprehensive view of the commerce, revenues, civil establishment, and general policy of the Company, and will therefore be peculiarly interesting at this time to the public.

The eighth and last volume will contain a narrative of the life of Mr. Burke, which will be accompanied with such parts of his familiar correspondence, and other occasional productions, as shall be thought fit for publication.* The materials relating to the early years of his life, alluded to in the Advertisement to the fourth volume, have been lately recovered; and the communication of such as may still remain in the possession of any private individuals is again most earnestly requested.

Unequal as I feel myself to the task, I shall, my dear friend, lose no time, nor spare any pains, in

* This design the editor did not live to execute.

discharging the arduous duty that has devolved upon me. You know the peculiar difficulties I labor under from the failure of my eyesight; and you may congratulate me upon the assistance which I have now procured from my neighbor, the worthy chaplain* of Bromley College, who to the useful qualification of a most patient amanuensis adds that of a good scholar and intelligent critic.

And now, adieu, my dear friend,

And believe me ever affectionately yours,

WR. ROFFEN.

BROMLEY HOUSE, August 1, 1812.

* The Rev. J. J. Talman.

FOURTH LETTER

ON THE

PROPOSALS FOR PEACE WITH THE REGICIDE DIRECTORY OF FRANCE.

ADDRESSED TO

THE EARL FITZWILLIAM.

1795-7.

PRELIMINARY CORRESPONDENCE.

Letter from the Right Honorable the Lord Auckland to the Lord Bishop of Rochester.

EDEN FARM, KENT, July 18th, 1812.

MY DEAR LORD, — Mr. Burke's fourth letter to Lord Fitzwilliam is personally interesting to me: I have perused it with a respectful attention.

When I communicated to Mr. Burke, in 1795, the printed work which he arraigns and discusses, I was aware that he would differ from me.

Some light is thrown on the transaction by my note which gave rise to it, and by his answer, which exhibits the admirable powers of his great and good mind, deeply suffering at the time under a domestic calamity.

I have selected these two papers from my manuscript collection, and now transmit them to your Lordship with a wish that they may be annexed to the publication in question.

I have the honor to be, my dear Lord,

Yours most sincerely,

AUCKLAND.

TO THE RIGHT REV. THE LORD BISHOP OF ROCHESTER.

Letter from Lord Auckland to the Right Honorable Edmund Burke.

EDEN FARM, KENT, October 28th, 1795.

MY DEAR SIR, —

Though in the stormy ocean of the last twenty-three years we have seldom sailed on the same tack, there has been nothing hostile in our signals or manœuvres, and, on my part at least, there has been a cordial disposition towards friendly and respectful sentiments. Under that influence, I now send to you a small work which exhibits my fair and full opinions on the arduous circumstances of the moment, "as far as the cautions necessary to be observed will permit me to go beyond general ideas."

Three or four of those friends with whom I am most connected in public and private life are pleased to think that the statement in question (which at first made part of a confidential paper) may do good, and accordingly a very large impression will be published to-day. I neither seek to avow the publication nor do I wish to disavow it. I have no anxiety in that respect, but to contribute my mite to do service, at a moment when service is much wanted.

I am, my dear Sir,

Most sincerely yours,

AUCKLAND.

RIGHT HON. EDMUND BURKE.

Letter from the Right Honorable Edmund Burke to Lord Auckland.

MY DEAR LORD, —

I am perfectly sensible of the very flattering honor you have done me in turning any part of your at-

tention towards a dejected old man, buried in the anticipated grave of a feeble old age, forgetting and forgotten in an obscure and melancholy retreat.

In this retreat I have nothing relative to this world to do, but to study all the tranquillity that in the state of my mind I am capable of. To that end I find it but too necessary to call to my aid an oblivion of most of the circumstances, pleasant and unpleasant, of my life, — to think as little and indeed to know as little as I can of everything that is doing about me, — and, above all, to divert my mind from all presagings and prognostications of what I must (if I let my speculations loose) consider as of absolute necessity to happen after my death, and possibly even before it. Your address to the public, which you have been so good as to send to me, obliges me to break in upon that plan, and to look a little on what is behind, and very much on what is before me. It creates in my mind a variety of thoughts, and all of them unpleasant.

It is true, my Lord, what you say, that, through our public life, we have generally sailed on somewhat different tacks. We have so, undoubtedly; and we should do so still, if I had continued longer to keep the sea. In that difference, you rightly observe that I have always done justice to your skill and ability as a navigator, and to your good intentions towards the safety of the cargo and of the ship's company. I connot say now that we are on different tacks. There would be no propriety in the metaphor. I can sail no longer. My vessel cannot be said to be even in port. She is wholly condemned and broken up. To have an idea of that vessel, you must call to mind what you have often seen on the Kentish road. Those

planks of tough and hardy oak, that used for years to brave the buffets of the Bay of Biscay, are now turned, with their warped grain and empty trunnion-holes, into very wretched pales for the inclosure of a wretched farm-yard.

The style of your pamphlet, and the eloquence and power of composition you display in it, are such as do great honor to your talents, and in conveying any other sentiments would give me very great pleasure. Perhaps I do not very perfectly comprehend your purpose, and the drift of your arguments. If I do not, pray do not attribute my mistake to want of candor, but to want of sagacity. I confess, your address to the public, together with other accompanying circumstances, has filled me with a degree of grief and dismay which I cannot find words to express. If the plan of politics there recommended — pray excuse my freedom — should be adopted by the king's councils, and by the good people of this kingdom, (as, so recommended, undoubtedly it will,) nothing can be the consequence but utter and irretrievable ruin to the ministry, to the crown, to the succession, — to the importance, to the independence, to the very existence, of this country. This is my feeble, perhaps, but clear, positive, decided, long and maturely reflected and frequently declared opinion, from which all the events which have lately come to pass, so far from turning me, have tended to confirm beyond the power of alteration, even by your eloquence and authority. I find, my dear Lord, that you think some persons, who are not satisfied with the securities of a Jacobin peace, to be persons of intemperate minds. I may be, and I fear I am, with you in that description; but pray, my Lord, recollect that very few of

the causes which make men intemperate can operate upon me. Sanguine hopes, vehement desires, inordinate ambition, implacable animosity, party attachments, or party interests, — all these with me have no existence. For myself, or for a family, (alas! I have none,) I have nothing to hope or to fear in this world. I am attached, by principle, inclination, and gratitude, to the king, and to the present ministry.

Perhaps you may think that my animosity to opposition is the cause of my dissent, on seeing the politics of Mr. Fox (which, while I was in the world, I combated by every instrument which God had put into my hands, and in every situation in which I had taken part) so completely, if I at all understand you, adopted in your Lordship's book: but it was with pain I broke with that great man forever in that cause; and I assure you, it is not without pain that I differ with your Lordship on the same principles. But it is of no concern. I am far below the region of those great and tempestuous passions. I feel nothing of the intemperance of mind. It is rather sorrow and dejection than anger.

Once more my best thanks for your very polite attention; and do me the favor to believe me, with the most perfect sentiments of respect and regard,

My dear Lord,

Your Lordship's most obedient and humble servant,

EDMUND BURKE.

BEACONSFIELD, Oct. 30th, 1795.
Friday Evening.

LETTER IV.

TO THE EARL FITZWILLIAM.

MY DEAR LORD,—I am not sure that the best way of discussing any subject, except those that concern the abstracted sciences, is not somewhat in the way of dialogue. To this mode, however, there are two objections: the first, that it happens, as in the puppet-show, one man speaks for all the personages. An unnatural uniformity of tone is in a manner unavoidable. The other and more serious objection is, that, as the author (if not an absolute skeptic) must have some opinion of his own to enforce, he will be continually tempted to enervate the arguments he puts into the mouth of his adversary, or to place them in a point of view most commodious for their refutation. There is, however, a sort of dialogue not quite so liable to these objections, because it approaches more nearly to truth and Nature: it is called CONTROVERSY. Here the parties speak for themselves. If the writer who attacks another's notions does not deal fairly with his adversary, the diligent reader has it always in his power, by resorting to the work examined, to do justice to the original author and to himself. For this reason you will not blame me, if, in my discussion of the merits of a Regicide Peace, I do not choose to trust to my own statements, but to bring forward along with

them the arguments of the advocates for that measure. If I choose puny adversaries, writers of no estimation or authority, then you will justly blame me. I might as well bring in at once a fictitious speaker, and thus fall into all the inconveniences of an imaginary dialogue. This I shall avoid; and I shall take no notice of any author who my friends in town do not tell me is in estimation with those whose opinions he supports.

A piece has been sent to me, called "Some Remarks on the Apparent Circumstances of the War in the Fourth Week of October, 1795," with a French motto: "*Que faire encore une fois dans une telle nuit? Attendre le jour.*" The very title seemed to me striking and peculiar, and to announce something uncommon. In the time I have lived to, I always seem to walk on enchanted ground. Everything is new, and, according to the fashionable phrase, revolutionary. In former days authors valued themselves upon the maturity and fulness of their deliberations. Accordingly, they predicted (perhaps with more arrogance than reason) an eternal duration to their works. The quite contrary is our present fashion. Writers value themselves now on the instability of their opinions and the transitory life of their productions. On this kind of credit the modern institutors open their schools. They write for youth, and it is sufficient, if the instruction "lasts as long as a present love, or as the painted silks and cottons of the season."

The doctrines in this work are applied, for their standard, with great exactness, to the shortest possible periods both of conception and duration. The title is "Some Remarks on the *Apparent* Circumstances of the War *in the Fourth Week of October*,

1795." The time is critically chosen. A month or so earlier would have made it the anniversary of a bloody Parisian September, when the French massacre one another. A day or two later would have carried it into a London November, the gloomy month in which it is said by a pleasant author that Englishmen hang and drown themselves. In truth, this work has a tendency to alarm us with symptoms of public suicide. However, there is one comfort to be taken even from the gloomy time of year. It is a rotting season. If what is brought to market is not good, it is not likely to keep long. Even buildings run up in haste with untempered mortar in that humid weather, if they are ill-contrived tenements, do not threaten long to incumber the earth. The author tells us (and I believe he is the very first author that ever told such a thing to his readers) "that the *entire fabric* of his speculations might be overset by unforeseen vicissitudes," and what is far more extraordinary, "that even the *whole* consideration might be *varied whilst he was writing those pages.*" Truly, in my poor judgment, this circumstance formed a very substantial motive for his not publishing those ill-considered considerations at all. He ought to have followed the good advice of his motto: "*Que faire encore dans une telle nuit? Attendre le jour.*" He ought to have waited till he had got a little more daylight on this subject. Night itself is hardly darker than the fogs of that time.

Finding the *last week in October* so particularly referred to, and not perceiving any particular event, relative to the war, which happened on any of the days in that week, I thought it possible that they were marked by some astrological superstition, to

which the greatest politicians have been subject. I therefore had recourse to my Rider's Almanack. There I found, indeed, something that characterized the work, and that gave directions concerning the sudden political and natural variations, and for eschewing the maladies that are most prevalent in that aguish intermittent season, "the last week of October." On that week the sagacious astrologer, Rider, in his note on the third column of the calendar side, teaches us to expect "*variable and cold weather*"; but instead of encouraging us to trust ourselves to the haze and mist and doubtful lights of that changeable week, on the answerable part of the opposite page he gives us a salutary caution (indeed, it is very nearly in the words of the author's motto): "*Avoid*," says he, "*being out late at night and in foggy weather, for a cold now caught may last the whole winter.*" * This ingenious author, who disdained the prudence of the Almanack, walked out in the very fog he complains of, and has led us to a very unseasonable airing at that time. Whilst this noble writer, by the vigor of an excellent constitution, formed for the violent changes he prognosticates, may shake off the importunate rheum and malignant influenza of this disagreeable week, a whole Parliament may go on spitting and snivelling, and wheezing and coughing, during a whole session. All this from listening to variable, hebdomadal politicians, who run away from their opinions without giving us a month's warn-

* Here I have fallen into an unintentional mistake. Rider's Almanack for 1794 lay before me; and, in truth, I then had no other. For variety, that sage astrologer has made some small changes on the weather side of 1795; but the caution is the same on the opposite page of instruction.

ing, — and for not listening to the wise and friendly admonitions of Dr. Cardanus Rider, who never apprehends he may change his opinions before his pen is out of his hand, but always enables us to lay in at least a year's stock of useful information.

At first I took comfort. I said to myself, that, if I should, as I fear I must, oppose the doctrines of *the last week of October*, it is probable that by this time they are no longer those of the eminent writer to whom they are attributed. He gives us hopes that long before this he may have embraced the direct contrary sentiments. If I am found in a conflict with those of the last week of October, I may be in full agreement with those of the last week in December, or the first week in January, 1796. But a second edition, and a French translation, (for the benefit, I must suppose, of the new Regicide Directory,) have let down a little of these flattering hopes. We and the Directory know that the author, whatever changes his works seemed made to indicate, like a weathercock grown rusty, remains just where he was in the last week of last October. It is true, that his protest against binding him to his opinions, and his reservation of a right to whatever opinions he pleases, remain in their full force. This variability is pleasant, and shows a fertility of fancy: —

> Qualis in æthereo felix Vertumnus Olympo
> Mille habet ornatus, mille decenter habet.

Yet, doing all justice to the sportive variability of these weekly, daily, or hourly speculators, shall I be pardoned, if I attempt a word on the part of us simple country folk? It is not good for *us*, however it may be so for great statesmen, that we should be treated with variable politics. I consider differ-

ent relations as prescribing a different conduct. I allow, that, in transactions with an enemy, a minister may, and often must, vary his demands with the day, possibly with the hour. With an enemy, a fixed plan, variable arrangements. This is the rule the nature of the transaction prescribes. But all this belongs to treaty. All these shiftings and changes are a sort of secret amongst the parties, till a definite settlement is brought about. Such is the spirit of the proceedings in the doubtful and transitory state of things between enmity and friendship. In this change the subjects of the transformation are by nature carefully wrapt up in their cocoons. The gay ornament of summer is not seemly in his aurelia state. This mutability is allowed to a foreign negotiator; but when a great politician condescends publicly to instruct his own countrymen on a matter which may fix their fate forever, his opinions ought not to be diurnal, or even weekly. These ephemerides of politics are not made for our slow and coarse understandings. Our appetite demands a *piece of resistance*. We require some food that will stick to the ribs. We call for sentiments to which we can attach ourselves, — sentiments in which we can take an interest, — sentiments on which we can warm, on which we can ground some confidence in ourselves or in others. We do not want a largess of inconstancy. Poor souls, we have enough of that sort of poverty at home. There is a difference, too, between deliberation and doctrine: a man ought to be decided in his opinions before he attempts to teach. His fugitive lights may serve himself in some unknown region, but they cannot free us from the effects of the error into which we have been betrayed.

His active Will-o'-the-wisp may be gone nobody can guess where, whilst he leaves us bemired and benighted in the bog.

Having premised these few reflections upon this new mode of teaching a lesson which whilst the scholar is getting by heart the master forgets, I come to the lesson itself. On the fullest consideration of it, I am utterly incapable of saying with any great certainty what it is, in the detail, that the author means to affirm or deny, to dissuade or recommend. His march is mostly oblique, and his doctrine rather in the way of insinuation than of dogmatic assertion. It is not only fugitive in its duration, but is slippery in the extreme whilst it lasts. Examining it part by part, it seems almost everywhere to contradict itself; and the author, who claims the privilege of varying his opinions, has exercised this privilege in every section of his remarks. For this reason, amongst others, I follow the advice which the able writer gives in his last page, which is, "to consider the *impression* of what he has urged, taken from the *whole*, and not from detached paragraphs." That caution was not absolutely necessary. I should think it unfair to the author and to myself to have proceeded otherwise. This author's *whole*, however, like every other whole, cannot be so well comprehended without some reference to the parts; but they shall be again referred to the whole. Without this latter attention, several of the passages would certainly remain covered with an impenetrable and truly oracular obscurity.

The great, general, pervading purpose of the whole pamphlet is to reconcile us to peace with the present usurpation in France. In this general drift of the

author I can hardly be mistaken. The other purposes, less general, and subservient to the preceding scheme, are to show, first, that the time of the Remarks was the favorable time for making that peace upon our side; secondly, that on the enemy's side their disposition towards the acceptance of such terms as he is pleased to offer was rationally to be expected; the third purpose was, to make some sort of disclosure of the terms which, if the Regicides are pleased to grant them, this nation ought to be contented to accept: these form the basis of the negotiation which the author, whoever he is, proposes to open.

Before I consider these Remarks along with the other reasonings which I hear on the same subject, I beg leave to recall to your mind the observation I made early in our correspondence, and which ought to attend us quite through the discussion of this proposed peace, amity, or fraternity, or whatever you may call it, — that is, the real quality and character of the party you have to deal with. This I find, as a thing of no importance, has everywhere escaped the author of the October Remarks. That hostile power, to the period of the fourth week in that month, has been ever called and considered as an usurpation. In that week, for the first time, it changed its name of an usurped power, and took the simple name of *France*. The word France is slipped in just as if the government stood exactly as before that Revolution which has astonished, terrified, and almost overpowered Europe. "France," says the author, "will do this," — "it is the interest of France," — "the returning honor and generosity of France," &c., &c., — always merely France: just

as if we were in a common political war with an old recognized member of the commonwealth of Christian Europe, — and as if our dispute had turned upon a mere matter of territorial or commercial controversy, which a peace might settle by the imposition or the taking off a duty, with the gain or the loss of a remote island or a frontier town or two, on the one side or the other. This shifting of persons could not be done without the hocus-pocus of *abstraction*. We have been in a grievous error: we thought that we had been at war with *rebels* against the lawful government, but that we were friends and allies of what is properly France, friends and allies to the legal body politic of France. But by sleight of hand the Jacobins are clean vanished, and it is France we have got under our cup. "Blessings on his soul that first invented sleep!" said Don Sancho Panza the Wise. All those blessings, and ten thousand times more, on him who found out abstraction, personification, and impersonals! In certain cases they are the first of all soporifics. Terribly alarmed we should be, if things were proposed to us in the *concrete*, and if fraternity was held out to us with the individuals who compose this France by their proper names and descriptions, — if we were told that it was very proper to enter into the closest bonds of amity and good correspondence with the devout, pacific, and tender-hearted Sieyès, with the all-accomplished Reubell, with the humane guillotinists of Bordeaux, Tallien and Isabeau, with the meek butcher, Legendre, and with "the returned humanity and generosity" (that had been only on a visit abroad) of the virtuous regicide brewer, Santerre. This would seem at the outset a very strange scheme of amity and

concord, — nay, though we had held out to us, as an additional *douceur*, an assurance of the cordial fraternal embrace of our pious and patriotic countryman, Thomas Paine. But plain truth would here be shocking and absurd; therefore comes in *abstraction* and personification. "Make your peace with France." That word *France* sounds quite as well as any other; and it conveys no idea but that of a very pleasant country and very hospitable inhabitants. Nothing absurd and shocking in amity and good correspondence with *France*. Permit me to say, that I am not yet well acquainted with this new-coined France, and without a careful assay I am not willing to receive it in currency in place of the old Louis-d'or.

Having, therefore, slipped the persons with whom we are to treat out of view, we are next to be satisfied that the French Revolution, which this peace is to fix and consolidate, ought to give us no just cause of apprehension. Though the author labors this point, yet he confesses a fact (indeed, he could not conceal it) which renders all his labors utterly fruitless. He confesses that the Regicide means to *dictate* a pacification, and that this pacification, according to their decree passed but a very few days before his publication appeared, is to "unite to their empire, either in possession or dependence, new barriers, many frontier places of strength, a large sea-coast, and many sea-ports." He ought to have stated it, that they would annex to their territory a country about a third as large as France, and much more than half as rich, and in a situation the most important for command that it would be possible for her anywhere to possess.

To remove this terror, (even if the Regicides should

carry their point,) and to give us perfect repose with regard to their empire, whatever they may acquire, or whomsoever they might destroy, he raises a doubt "whether France will not be ruined by *retaining* these conquests, and whether she will not wholly lose that preponderance which she has held in the scale of European powers, and will not eventually be destroyed by the effect of her present successes, or, at least, whether, so far as the *political interests of England are concerned*, she [France] will remain an object of *as much jealousy and alarm as she was under the reign of a monarch.*" Here, indeed, is a paragraph full of meaning! It gives matter for meditation almost in every word of it. The secret of the pacific politicians is out. This republic, at all hazards, is to be maintained. It is to be confined within some bounds, if we can; if not, with every possible acquisition of power, it is still to be cherished and supported. It is the return of the monarchy we are to dread, and therefore we ought to pray for the permanence of the Regicide authority. *Esto perpetua!* is the devout ejaculation of our Frà Paolo for the Republic one and indivisible. It was the monarchy that rendered France dangerous: Regicide neutralizes all the acrimony of that power, and renders it safe and social. The October speculator is of opinion that monarchy is of so poisonous a quality that a moderate territorial power is far more dangerous to its neighbors under that abominable regimen than the greatest empire in the hands of a republic. This is Jacobinism sublimed and exalted into most pure and perfect essence. It is a doctrine, I admit, made to allure and captivate, if anything in the world can, the Jacobin Directory, to mollify the ferocity of Regicide, and to persuade

those patriotic hangmen, after their reiterated oaths for our extirpation, to admit this well-humbled nation to the fraternal embrace. I do not wonder that this tub of October has been racked off into a French cask. It must make its fortune at Paris. That translation seems the language the most suited to these sentiments. Our author tells the French Jacobins, that the political interests of Great Britain are in perfect unison with the principles of their government, — that they may take and keep the keys of the civilized world, for they are safe in their unambitious and faithful custody. We say to them, "We may, indeed, wish you to be a little less murderous, wicked, and atheistical, for the sake of morals; we may think it were better you were less new-fangled in your speech, for the sake of grammar; but, as *politicians*, provided you keep clear of monarchy, all our fears, alarms, and jealousies are at an end: at least, they sink into nothing in comparison of our dread of your detestable royalty." A flatterer of Cardinal Mazarin said, when that minister had just settled the match between the young Louis the Fourteenth and a daughter of Spain, that this alliance had the effect of faith and had removed mountains, — that the Pyrenees were levelled by that marriage. You may now compliment Reubell in the same spirit on the miracles of regicide, and tell him that the guillotine of Louis the Sixteenth had consummated a marriage between Great Britain and France, which dried up the Channel, and restored the two countries to the unity which it is said they had before the unnatural rage of seas and earthquakes had broke off their happy junction. It will be a fine subject for the poets who are to prophesy the blessings of this peace.

I am now convinced that the Remarks of the last week of October cannot come from the author to whom they are given, they are such a direct contradiction to the style of manly indignation with which he spoke of those miscreants and murderers in his excellent memorial to the States of Holland, — to that very state which the author who presumes to personate him does not find it contrary to the political interests of England to leave in the hands of these very miscreants, against whom on the part of England he took so much pains to animate their republic. This cannot be; and if this argument wanted anything to give it new force, it is strengthened by an additional reason, that is irresistible. Knowing that noble person, as well as myself, to be under very great obligations to the crown, I am confident he would not so very directly contradict, even in the paroxysm of his zeal against monarchy, the declarations made in the name and with the fullest approbation of our sovereign, his master, and our common benefactor. In those declarations you will see that the king, instead of being sensible of greater alarm and jealousy from a neighboring crowned head than from these regicides, attributes all the dangers of Europe to the latter. Let this writer hear the description given in the royal declaration of the scheme of power of these miscreants, as "*a system destructive of all public order, maintained by proscriptions, exiles, and confiscations without number, by arbitrary imprisonments, by massacres which cannot be remembered without horror, and at length by the execrable murder of a just and beneficent sovereign, and of the illustrious princess, who with an unshaken firmness has shared all the misfortunes of her royal consort, his protracted sufferings, his*

cruel captivity, his ignominious death." After thus describing, with an eloquence and energy equalled only by its truth, the means by which this usurped power had been acquired and maintained, that government is characterized with equal force. His Majesty, far from thinking monarchy in France to be a greater object of jealousy than the Regicide usurpation, calls upon the French to reëstablish "*a monarchical government*" for the purpose of shaking off "*the yoke of a sanguinary anarchy, — of that anarchy which has broken all the most sacred bonds of society, dissolved all the relations of civil life, violated every right, confounded every duty, — which uses the name of liberty to exercise the most cruel tyranny, to annihilate all property, to seize on all possessions, — which founds its power on the pretended consent of the people, and itself carries fire and sword through extensive provinces, for having demanded their laws, their religion, and their lawful sovereign.*"

"That strain I heard was of a higher mood." That declaration of our sovereign was worthy of his throne. It is in a style which neither the pen of the writer of October nor such a poor crow-quill as mine can ever hope to equal. I am happy to enrich my letter with this fragment of nervous and manly eloquence, which, if it had not emanated from the awful authority of a throne, if it were not recorded amongst the most valuable monuments of history, and consecrated in the archives of states, would be worthy, as a private composition, to live forever in the memory of men.

In those admirable pieces does his Majesty discover this new opinion of his political security, in having the chair of the scorner, that is, the discipline of atheism, and the block of regicide, set up by his

side, elevated on the same platform, and shouldering, with the vile image of their grim and bloody idol, the inviolable majesty of his throne? The sentiments of these declarations are the very reverse: they could not be other. Speaking of the spirit of that usurpation, the royal manifesto describes, with perfect truth, its internal tyranny to have been established as the very means of shaking the security of all other states, — as "*disposing arbitrarily of the property and blood of the inhabitants of France, in order to disturb the tranquillity of other nations, and to render all Europe the theatre of the same crimes and of the same misfortunes.*" It was but a natural inference from this fact, that the royal manifesto does not at all rest the justification of this war on common principles: that it was "*not only to defend his own rights, and those of his allies,*" but "*that all the dearest interests of his people imposed upon him a duty still more important, — that of exerting his efforts for the preservation of civil society itself, as happily established among the nations of Europe.*" On that ground, the protection offered is to "those who, by declaring for a *monarchical government*, shall shake off the yoke of a sanguinary anarchy." It is for that purpose the declaration calls on them "to join the standard of an *hereditary monarchy*," — declaring that the *peace and safety* of this kingdom and the other powers of Europe "*materially depend on the reëstablishment of order in France.*" His Majesty does not hesitate to declare that "*the reëstablishment of monarchy, in the person of Louis the Seventeenth, and the lawful heirs of the crown, appears to him* [his Majesty] *the best mode of accomplishing these just and salutary views.*"

This is what his Majesty does not hesitate to de-

clare relative to the political safety and peace of his kingdom and of Europe, and with regard to France under her ancient hereditary monarchy in the course and order of legal succession. But in comes a gentleman, in the fag end of October, dripping with the fogs of that humid and uncertain season, and does not hesitate in diameter to contradict this wise and just royal declaration, and stoutly, on his part, to make a counter declaration, — that France, so far as the political interests of England are concerned, will not remain, under the despotism of Regicide, and with the better part of Europe in her hands, so much an object of jealousy and alarm as she was under the reign of a monarch. When I hear the master and reason on one side, and the servant and his single and unsupported assertion on the other, my part is taken.

This is what the Octobrist says of the political interests of England, which it looks as if he completely disconnected with those of all other nations. But not quite so: he just allows it possible (with an "at least") that the other powers may not find it quite their interest that their territories should be conquered and their subjects tyrannized over by the Regicides. No fewer than ten sovereign princes had, some the whole, all a very considerable part of their dominions under the yoke of that dreadful faction. Amongst these was to be reckoned the first republic in the world, and the closest ally of this kingdom, which, under the insulting name of an independency, is under her iron yoke, and, as long as a faction averse to the old government is suffered there to domineer, cannot be otherwise. I say nothing of the Austrian Netherlands, countries of a vast

extent, and amongst the most fertile and populous of Europe, and, with regard to us, most critically situated. The rest will readily occur to you.

But if there are yet existing any people, like me, old-fashioned enough to consider that we have an important part of our very existence beyond our limits, and who therefore stretch their thoughts beyond the *pomœrium* of England, for them, too, he has a comfort which will remove all their jealousies and alarms about the extent of the empire of Regicide. "*These conquests eventually will be the cause of her destruction.*" So that they who hate the cause of usurpation, and dread the power of France under any form, are to wish her to be a conqueror, in order to accelerate her ruin. A little more conquest would be still better. Will he tell us what dose of dominion is to be the *quantum sufficit* for her destruction? — for she seems very voracious of the food of her distemper. To be sure, she is ready to perish with repletion; she has a *boulimia*, and hardly has bolted down one state than she calls for two or three more. There is a good deal of wit in all this; but it seems to me (with all respect to the author) to be carrying the joke a great deal too far. I cannot yet think that the armies of the Allies were of this way of thinking, and that, when they evacuated all these countries, it was a stratagem of war to decoy France into ruin, — or that, if in a treaty we should surrender them forever into the hands of the usurpation, (the lease the author supposes,) it is a master-stroke of policy to effect the destruction of a formidable rival, and to render her no longer an object of jealousy and alarm. This, I assure the author, will infinitely facilitate the treaty. The usurpers will catch at this bait, without

minding the hook which this crafty angler for the Jacobin gudgeons of the new Directory has so dexterously placed under it.

Every symptom of the exacerbation of the public malady is, with him, (as with the Doctor in Molière,) a happy prognostic of recovery. — Flanders gone. *Tant mieux.* — Holland subdued. Charming! — Spain beaten, and all the hither Germany conquered. Bravo! Better and better still! — But they will retain all their conquests on a treaty. Best of all! — What a delightful thing it is to have a gay physician, who sees all things, as the French express it, *couleur de rose!* What an escape we have had, that we and our allies were not the conquerors! By these conquests, previous to her utter destruction, she is "wholly to lose that preponderance which she held in the scale of the European powers." Bless me! this new system of France, after changing all other laws, reverses the law of gravitation. By throwing in weight after weight, her scale rises, and will by-and-by kick the beam. Certainly there is one sense in which she loses her preponderance: that is, she is no longer preponderant against the countries she has conquered. They are part of herself. But I beg the author to keep his eyes fixed on the scales for a moment longer, and then to tell me, in downright earnest, whether he sees hitherto any signs of her losing preponderance by an augmentation of weight and power. Has she lost her preponderance over Spain by her influence in Spain? Are there any signs that the conquest of Savoy and Nice begins to lessen her preponderance over Switzerland and the Italian States, — or that the Canton of Berne, Genoa, and Tuscany, for example, have taken arms against

her, — or that Sardinia is more adverse than ever to a treacherous pacification? Was it in the last week of October that the German States showed that Jacobin France was losing her preponderance? Did the King of Prussia, when he delivered into her safe custody his territories on this side of the Rhine, manifest any tokens of his opinion of her loss of preponderance? Look on Sweden and on Denmark: is her preponder ance less visible there?

It is true, that, in a course of ages, empires have fallen, and, in the opinion of some, not in mine, by their own weight. Sometimes they have been unquestionably embarrassed in their movements by the dissociated situation of their dominions. Such was the case of the empire of Charles the Fifth and of his successor. It might be so of others. But so compact a body of empire, so fitted in all the parts for mutual support, with a frontier by Nature and Art so impenetrable, with such facility of breaking out with irresistible force from every quarter, was never seen in such an extent of territory, from the beginning of time, as in that empire which the Jacobins possessed in October, 1795, and which Boissy d'Anglas, in his report, settled as the law for Europe, and the dominion assigned by Nature for the Republic of Regicide. But this empire is to be her ruin, and to take away all alarm and jealousy on the part of England, and to destroy her preponderance over the miserable remains of Europe.

These are choice speculations with which the author amuses himself, and tries to divert us, in the blackest hours of the dismay, defeat, and calamity of all civilized nations. They have but one fault, — that they are directly contrary to the common sense and

common feeling of mankind. If I had but one hour to live, I would employ it in decrying this wretched system, and die with my pen in my hand to mark out the dreadful consequences of receiving an arrangement of empire dictated by the despotism of Regicide to my own country, and to the lawful sovereigns of the Christian world.

I trust I shall hardly be told, in palliation of this shameful system of politics, that the author expresses his sentiments only as doubts. In such things, it may be truly said, that "once to doubt is once to be resolved." It would be a strange reason for wasting the treasures and shedding the blood of our country, to prevent arrangements on the part of another power, of which we were doubtful whether they might not be even to our advantage, and render our neighbor less than before the object of our jealousy and alarm. In this doubt there is much decision. No nation would consent to carry on a war of skepticism. But the fact is, this expression of doubt is only a mode of putting an opinion, when it is not the drift of the author to overturn the doubt. Otherwise, the doubt is never stated as the author's own, nor left, as here it is, unanswered. Indeed, the mode of stating the most decided opinions in the form of questions is so little uncommon, particularly since the excellent queries of the excellent Berkeley, that it became for a good while a fashionable mode of composition.

Here, then, the author of the Fourth Week of October is ready for the worst, and would strike the bargain of peace on these conditions. I must leave it to you and to every considerate man to reflect upon the effect of this on any Continental alliances, present or future, and whether it would be possible (if this

book was thought of the least authority) that its maxims with regard to our political interest must not naturally push them to be beforehand with us in the fraternity with Regicide, and thus not only strip us of any steady alliance at present, but leave us without any of that communion of interest which could produce alliances in future. Indeed, with these maxims, we should be well divided from the world.

Notwithstanding this new kind of barrier and security that is found against her ambition in her conquests, yet in the very same paragraph he admits, that, "for the *present*, at least, it is subversive of the balance of power." This, I confess, is not a direct contradiction, because the benefits which he promises himself from it, according to his hypothesis, are future and more remote.

So disposed is this author to peace, that, having laid a comfortable foundation for our security in the greatness of her empire, he has another in reserve, if that should fail, upon quite a contrary ground: that is, a speculation of her crumbling to pieces, and being thrown into a number of little separate republics. After paying the tribute of humanity to those who will be ruined by all these changes, on the whole he is of opinion that "the change might be compatible with general tranquillity, and with the establishment of a peaceful and prosperous commerce among nations." Whether France be great or small, firm and entire or dissipated and divided, all is well, provided we can have peace with her.

But without entering into speculations about her dismemberment, whilst she is adding great nations to her empire, is it, then, quite so certain that the dissipation of France into such a cluster of petty

republics would be so very favorable to the true balance of power in Europe as this author imagines it would be, and to the commerce of nations? I greatly differ from him. I perhaps shall prove in a future letter, with the political map of Europe before my eye, that the general liberty and independence of the great Christian commonwealth could not exist with such a dismemberment, unless it were followed (as probably enough it would) by the dismemberment of every other considerable country in Europe: and what convulsions would arise in the constitution of every state in Europe it is not easy to conjecture in the mode, impossible not to foresee in the mass. Speculate on, good my Lord! provided you ground no part of your politics on such unsteady speculations. But as to any practice to ensue, are we not yet cured of the malady of speculating on the circumstances of things totally different from those in which we live and move? Five years has this monster continued whole and entire in all its members. Far from falling into a division within itself, it is augmented by tremendous additions. We cannot bear to look that frightful form in the face, as it is, and in its own actual shape. We dare not be wise; we have not the fortitude of rational fear; we will not provide for our future safety; but we endeavor to hush the cries of present timidity by guesses at what may be hereafter, —

> "To-morrow, and to-morrow, and to-morrow."

Is this our style of talk, when

> "all our yesterdays have lighted fools
> The way to dusty death"?

Talk not to me of what swarm of republics may come from this carcass! It is no carcass. Now, now,

whilst we are talking, it is full of life and action. What say you to the Regicide empire of to-day? Tell me, my friend, do its terrors appall you into an abject submission, or rouse you to a vigorous defence? But do — I no longer prevent it — do go on, — look into futurity. Has this empire nothing to alarm you when all struggle against it is over, when mankind shall be silent before it, when all nations shall be disarmed, disheartened, and *truly divided* by a treacherous peace? Its malignity towards humankind will subsist with undiminished heat, whilst the means of giving it effect must proceed, and every means of resisting it must inevitably and rapidly decline.

Against alarm on their politic and military empire these are the writer's sedative remedies. But he leaves us sadly in the dark with regard to the moral consequences, which he states have threatened to demolish a system of civilization under which his country enjoys a prosperity unparalleled in the history of man. We had emerged from our first terrors, but here we sink into them again, — however, only to shake them off upon the credit of his being a man of very sanguine hopes.

Against the moral terrors of this successful empire of barbarism, though he has given us no consolation here, in another place he has formed other securities, — securities, indeed, which will make even the enormity of the crimes and atrocities of France a benefit to the world. We are to be cured by her diseases. We are to grow proud of our Constitution upon the distempers of theirs. Governments throughout all Europe are to become much stronger by this event. This, too, comes in the favorite mode of *doubt* and

perhaps. "To those," he says, "who meditate on the workings of the human mind, a doubt may perhaps arise, whether the effects which I have described," (namely, the change he supposes to be wrought on the public mind with regard to the French doctrines,) "though *at present* a salutary check to the dangerous spirit of innovation, may not prove favorable to abuses of power, by creating a timidity in the just cause of liberty." Here the current of our apprehensions takes a contrary course. Instead of trembling for the existence of our government from the spirit of licentiousness and anarchy, the author would make us believe we are to tremble for our liberties from the great accession of power which is to accrue to government.

I believe I have read in some author who criticized the productions of the famous Jurieu, that it is not very wise in people who dash away in prophecy, to fix the time of accomplishment at too short a period. Mr. Brothers may meditate upon this at his leisure. He was a melancholy prognosticator, and has had the fate of melancholy men. But they who prophesy pleasant things get great present applause; and in days of calamity people have something else to think of: they lose, in their feeling of their distress, all memory of those who flattered them in their prosperity. But merely for the credit of the prediction, nothing could have happened more unluckily for the noble lord's sanguine expectations of the amendment of the public mind, and the consequent greater security to government, from the examples in France, than what happened in the week after the publication of his hebdomadal system. I am not sure it was not in the very week one of the most violent and danger-

ous seditions broke out that we have seen in several years. This sedition, menacing to the public security, endangering the sacred person of the king, and violating in the most audacious manner the authority of Parliament, surrounded our sovereign with a murderous yell and war-whoop for that peace which the noble lord considers as a cure for all domestic disturbances and dissatisfactions.

So far as to this general cure for popular disorders. As for government, the two Houses of Parliament, instead of being guided by the speculations of the Fourth Week in October, and throwing up new barriers against the dangerous power of the crown, which the noble lord considered as no unplausible subject of apprehension, the two Houses of Parliament thought fit to pass two acts for the further strengthening of that very government against a most dangerous and wide-spread faction.

Unluckily, too, for this kind of sanguine speculation, on the very first day of the ever-famed "last week of October," a large, daring, and seditious meeting was publicly held, from which meeting this atrocious attempt against the sovereign publicly originated.

No wonder that the author should tell us that the whole consideration might be varied *whilst he was writing those pages*. In one, and that the most material instance, his speculations not only might be, but were at that very time, entirely overset. Their war-cry for peace with France was the same with that of this gentle author, but in a different note. His is the *gemitus columbæ*, cooing and wooing fraternity; theirs the funereal screams of birds of night calling for their ill-omened paramours. But they are both songs of courtship. These Regicides considered a Regicide

peace as a cure for all their evils; and so far as I can find, they showed nothing at all of the timidity which the noble lord apprehends in what they call the just cause of liberty.

However, it seems, that, notwithstanding these awkward appearances with regard to the strength of government, he has still his fears and doubts about our liberties. To a free people this would be a matter of alarm; but this physician of October has in his shop all sorts of salves for all sorts of sores. It is curious that they all come from the inexhaustible drug-shop of the Regicide dispensary. It costs him nothing to excite terror, because he lays it at his pleasure. He finds a security for this danger to liberty from the wonderful wisdom to be taught to kings, to nobility, and even to the lowest of the people, by the late transactions.

I confess I was always blind enough to regard the French Revolution, in the act, and much more in the example, as one of the greatest calamities that had ever fallen upon mankind. I now find that in its effects it is to be the greatest of all blessings. If so, we owe *amende honorable* to the Jacobins. They, it seems, were right; and if they were right a little earlier than we are, it only shows that they exceeded us in sagacity. If they brought out their right ideas somewhat in a disorderly manner, it must be remembered that great zeal produces some irregularity; but when greatly in the right, it must be pardoned by those who are very regularly and temperately in the wrong. The master Jacobins had told me this a thousand times. I never believed the masters; nor do I now find myself disposed to give credit to the disciple. I will not much dispute with our author,

which party has the best of this Revolution, — that which is from thence to learn wisdom, or that which from the same event has obtained power. The dispute on the preference of strength to wisdom may perhaps be decided as Horace has decided the controversy between Art and Nature. I do not like to leave all the power to my adversary, and to secure nothing to myself but the untimely wisdom that is taught by the consequences of folly. I do not like my share in the partition: because to his strength my adversary may possibly add a good deal of cunning, whereas my wisdom may totally fail in producing to me the same degree of strength. But to descend from the author's generalities a little nearer to meaning, the security given to liberty is this, — "that governments will have learned not to precipitate themselves into embarrassments by speculative wars. Sovereigns and princes will not forget that steadiness, moderation, and economy are the best supports of the eminence on which they stand." There seems to me a good deal of oblique reflection in this lesson. As to the lesson itself, it is at all times a good one. One would think, however, by this formal introduction of it as a recommendation of the arrangements proposed by the author, it had never been taught before, either by precept or by experience, — and that these maxims are discoveries reserved for a Regicide peace. But is it permitted to ask what security it affords to the liberty of the subject, that the prince is pacific or frugal? The very contrary has happened in our history. Our best securities for freedom have been obtained from princes who were either warlike, or prodigal, or both.

Although the amendment of princes in these points can have no effect in quieting our apprehensions for

liberty on account of the strength to be acquired to government by a Regicide peace, I allow that the avoiding of speculative wars may possibly be an advantage, provided I well understand what the author means by a speculative war. I suppose he means a war grounded on speculative advantages, and not wars founded on a just speculation of danger. Does he mean to include this war, which we are now carrying on, amongst those speculative wars which this Jacobin peace is to teach sovereigns to avoid hereafter? If so, it is doing the party an important service. Does he mean that we are to avoid such wars as that of the Grand Alliance, made on a speculation of danger to the independence of Europe? I suspect he has a sort of retrospective view to the American war, as a speculative war, carried on by England upon one side and by Louis the Sixteenth on the other. As to our share of that war, let reverence to the dead and respect to the living prevent us from reading lessons of this kind at their expense. I don't know how far the author may find himself at liberty to wanton on that subject; but, for my part, I entered into a coalition which, when I had no longer a duty relative to that business, made me think myself bound in honor not to call it up without necessity. But if he puts England out of the question, and reflects only on Louis the Sixteenth, I have only to say, "Dearly has he answered it!" I will not defend him. But all those who pushed on the Revolution by which he was deposed were much more in fault than he was. They have murdered him, and have divided his kingdom as a spoil; but they who are the guilty are not they who furnish the example. They who reign through his fault are not among those sovereigns

who are likely to be taught to avoid speculative wars by the murder of their master. I think the author will not be hardy enough to assert that they have shown less disposition to meddle in the concerns of that very America than he did, and in a way not less likely to kindle the flame of speculative war. Here is one sovereign not yet reclaimed by these healing examples. Will he point out the other sovereigns who are to be reformed by this peace? Their wars may not be speculative. But the world will not be much mended by turning wars from unprofitable and speculative to practical and lucrative, whether the liberty or the repose of mankind is regarded. If the author's new sovereign in France is not reformed by the example of his own Revolution, that Revolution has not added much to the security and repose of Poland, for instance, or taught the three great partitioning powers more moderation in their second than they had shown in their first division of that devoted country. The first division, which preceded these destructive examples, was moderation itself, in comparison of what has been done since the period of the author's amendment.

This paragraph is written with something of a studied obscurity. If it means anything, it seems to hint as if sovereigns were to learn moderation, and an attention to the liberties of their people, from *the fate of the sovereigns who have suffered in this war*, and eminently of Louis the Sixteenth.

Will he say whether the King of Sardinia's horrible tyranny was the cause of the loss of Savoy and of Nice? What lesson of moderation does it teach the Pope? I desire to know whether his Holiness is to learn not to massacre his subjects, nor to waste and

destroy such beautiful countries as that of Avignon, lest he should call to their assistance that great deliverer of nations, *Jourdan Coupe-tête?* What lesson does it give of moderation to the Emperor, whose predecessor never put one man to death after a general rebellion of the Low Countries, that the Regicides never spared man, woman, or child, whom they but suspected of dislike to their usurpations? What, then, are all these lessons about the *softening* the character of sovereigns by this Regicide peace? On reading this section, one would imagine that the poor tame sovereigns of Europe had been a sort of furious wild beasts, that stood in need of some uncommonly rough discipline to subdue the ferocity of their savage nature.

As to the example to be learnt from the murder of Louis the Sixteenth, if a lesson to kings is not derived from his fate, I do not know whence it can come. The author, however, ought not to have left us in the dark upon that subject, to break our shins over his hints and insinuations. Is it, then, true, that this unfortunate monarch drew his punishment upon himself by his want of moderation, and his oppressing the liberties of which he had found his people in possession? Is not the direct contrary the fact? And is not the example of this Revolution the very reverse of anything which can lead to that *softening* of character in princes which the author supposes as a security to the people, and has brought forward as a recommendation to fraternity with those who have administered that happy emollient in the murder of their king and the slavery and desolation of their country?

But the author does not confine the benefit of the

Regicide lesson to kings alone. He has a diffusive bounty. Nobles, and men of property, will likewise be greatly reformed. They, too, will be led to a review of their social situation and duties, — "and will reflect, that their large allotment of worldly advantages is for the aid and benefit of the whole." Is it, then, from the fate of Juigné, Archbishop of Paris, or of the Cardinal de Rochefoucault, and of so many others, who gave their fortunes, and, I may say, their very beings, to the poor, that the rich are to learn that their "fortunes are for the aid and benefit of the whole"? I say nothing of the liberal persons of great rank and property, lay and ecclesiastic, men and women, to whom we have had the honor and happiness of affording an asylum: I pass by these, lest I should never have done, or lest I should omit some as deserving as any I might mention. Why will the author, then, suppose that the nobles and men of property in France have been banished, confiscated, and murdered, on account of the savageness and ferocity of their character, and their being tainted with vices beyond those of the same order and description in other countries? No judge of a revolutionary tribunal, with his hands dipped in their blood and his maw gorged with their property, has yet dared to assert what this author has been pleased, by way of a moral lesson, to insinuate.

Their nobility, and their men of property, in a mass, had the very same virtues, and the very same vices, and in the very same proportions, with the same description of men in this and in other nations. I must do justice to suffering honor, generosity, and integrity. I do not know that any time or any country has furnished more splendid exam-

ples of every virtue, domestic and public. I do not enter into the councils of Providence; but, humanly speaking, many of these nobles and men of property, from whose disastrous fate we are, it seems, to learn a general softening of character, and a revision of our social situations and duties, appear to me full as little deserving of that fate as the author, whoever he is, can be. Many of them, I am sure, were such as I should be proud indeed to be able to compare myself with, in knowledge, in integrity, and in every other virtue. My feeble nature might shrink, though theirs did not, from the proof; but my reason and my ambition tell me that it would be a good bargain to purchase their merits with their fate.

For which of his vices did that great magistrate, D'Espréménil, lose his fortune and his head? What were the abominations of Malesherbes, that other excellent magistrate, whose sixty years of uniform virtue was acknowledged, in the very act of his murder, by the judicial butchers who condemned him? On account of what misdemeanors was he robbed of his property, and slaughtered with two generations of his offspring, — and the remains of the third race, with a refinement of cruelty, and lest they should appear to reclaim the property forfeited by the virtues of their ancestor, confounded in an hospital with the thousands of those unhappy foundling infants who are abandoned, without relation and without name, by the wretchedness or by the profligacy of their parents?

Is the fate of the Queen of France to produce this softening of character? Was she a person so very ferocious and cruel, as, by the example of her death, to frighten us into common humanity? Is there no

way to teach the Emperor a *softening* of character, and a review of his social situation and duty, but his consent, by an infamous accord with Regicide, to drive a second coach with the Austrian arms through the streets of Paris, along which, after a series of preparatory horrors exceeding the atrocities of the bloody execution itself, the glory of the Imperial race had been carried to an ignominious death? Is this a lesson of *moderation* to a descendant of Maria Theresa, drawn from the fate of the daughter of that incomparable woman and sovereign? If he learns this lesson from such an object, and from such teachers, the man may remain, but the king is deposed. If he does not carry quite another memory of that transaction in the inmost recesses of his heart, he is unworthy to reign, he is unworthy to live. In the chronicle of disgrace he will have but this short tale told of him: "He was the first emperor of his house that embraced a regicide; he was the last that wore the imperial purple." Far am I from thinking so ill of this august sovereign, who is at the head of the monarchies of Europe, and who is the trustee of their dignities and his own.

What ferocity of character drew on the fate of Elizabeth, the sister of King Louis the Sixteenth? For which of the vices of that pattern of benevolence, of piety, and of all the virtues, did they put her to death? For which of her vices did they put to death the mildest of all human creatures, the Duchess of Biron? What were the crimes of those crowds of matrons and virgins of condition, whom they mas sacred, with their juries of blood, in prisons and on scaffolds? What were the enormities of the infant king, whom they caused, by lingering tortures, to

perish in their dungeon, and whom if at last they dispatched by poison, it was in that detestable crime the only act of mercy they have ever shown?

What softening of character is to be had, what review of their social situations and duties is to be taught by these examples to kings, to nobles, to men of property, to women, and to infants? The royal family perished because it was royal. The nobles perished because they were noble. The men, women, and children, who had property, because they had property to be robbed of. The priests were punished, after they had been robbed of their all, not for their vices, but for their virtues and their piety, which made them an honor to their sacred profession, and to that nature of which we ought to be proud, since they belong to it. My Lord, nothing can be learned from such examples, except the danger of being kings, queens, nobles, priests, and children, to be butchered on account of their inheritance. These are things at which not vice, not crime, not folly, but wisdom, goodness, learning, justice, probity, beneficence, stand aghast. By these examples our reason and our moral sense are not enlightened, but confounded; and there is no refuge for astonished and affrighted virtue, but being annihilated in humility and submission, sinking into a silent adoration of the inscrutable dispensations of Providence, and flying with trembling wings from this world of daring crimes, and feeble, pusillanimous, half-bred, bastard justice, to the asylum of another order of things, in an unknown form, but in a better life.

Whatever the politician or preacher of September or of October may think of the matter, it is a most comfortless, disheartening, desolating example.

Dreadful is the example of ruined innocence and virtue, and the completest triumph of the completest villany that ever vexed and disgraced mankind! The example is ruinous in every point of view, religious, moral, civil, political. It establishes that dreadful maxim of Machiavel, that in great affairs men are not to be wicked by halves. This maxim is not made for a middle sort of beings, who, because they cannot be angels, ought to thwart their ambition, and not endeavor to become infernal spirits. It is too well exemplified in the present time, where the faults and errors of humanity, checked by the imperfect, timorous virtues, have been overpowered by those who have stopped at no crime. It is a dreadful part of the example, that infernal malevolence has had pious apologists, who read their lectures on frailties in favor of crimes, — who abandon the weak, and court the friendship of the wicked. To root out these maxims, and the examples that support them, is a wise object of years of war. This is that war. This is that moral war. It was said by old Trivulzio, that the Battle of Marignano was the Battle of the Giants, — that all the rest of the many he had seen were those of the Cranes and Pygmies. This is true of the objects, at least, of the contest: for the greater part of those which we have hitherto contended for, in comparison, were the toys of children.

The October politician is so full of charity and good-nature, that he supposes that these very robbers and murderers themselves are in a course of melioration: on what ground I cannot conceive, except on the long practice of every crime, and by its complete success. He is an Origenist, and believes in the conversion of the Devil. All that runs in the place of

blood in his veins is nothing but the milk of human kindness. He is as soft as a curd, — though, as a politician, he might be supposed to be made of sterner stuff. He supposes (to use his own expression) "that the salutary truths which he inculcates are making their way into their bosoms." Their bosom is a rock of granite, on which Falsehood has long since built her stronghold. Poor Truth has had a hard work of it, with her little pickaxe. Nothing but gunpowder will do.

As a proof, however, of the progress of this sap of Truth, he gives us a confession they had made not long before he wrote. "'Their fraternity' (as was lately stated by themselves in a solemn report) 'has been the brotherhood of Cain and Abel,' and 'they have organized nothing but bankruptcy and famine.'" A very honest confession, truly, — and much in the spirit of their oracle, Rousseau. Yet, what is still more marvellous than the confession, this is the very fraternity to which our author gives us such an obliging invitation to accede. There is, indeed, a vacancy in the fraternal corps: a brother and a partner is wanted. If we please, we may fill up the place of the butchered Abel; and whilst we wait the destiny of the departed brother, we may enjoy the advantages of the partnership, by entering without delay into a shop of ready-made bankruptcy and famine. These are the *douceurs* by which we are invited to Regicide fraternity and friendship. But still our author considers the confession as a proof that "truth is making its way into their bosoms." No! It is not making its way into their bosoms. It has forced its way into their mouths! The evil spirit by which they are possessed, though essentially a liar, is forced by

the tortures of conscience to confess the truth, — to confess enough for their condemnation, but not for their amendment. Shakspeare very aptly expresses this kind of confession, devoid of repentance, from the mouth of an usurper, a murderer, and a regicide: —

> "We are ourselves compelled,
> Even to the teeth and forehead of our faults,
> To give in evidence."

Whence is their amendment? Why, the author writes, that, on their murderous insurrectionary system, their own lives are not sure for an hour; nor has their power a greater stability. True. They are convinced of it; and accordingly the wretches have done all they can to preserve their lives, and to secure their power; but not one step have they taken to amend the one or to make a more just use of the other. Their wicked policy has obliged them to make a pause in the only massacres in which their treachery and cruelty had operated as a kind of savage justice, — that is, the massacre of the accomplices of their crimes: they have ceased to shed the inhuman blood of their fellow-murderers; but when they take any of those persons who contend for their lawful government, their property, and their religion, notwithstanding the truth which this author says is making its way into their bosoms, it has not taught them the least tincture of mercy. This we plainly see by their massacre at Quiberon, where they put to death, with every species of contumely, and without any exception, every prisoner of war who did not escape out of their hands. To have had property, to have been robbed of it, and to endeavor to regain it, — these are crimes irremissible, to which every man who regards his property or his life, in every country, ought well

to look in all connection with those with whom to have had property was an offence, to endeavor to keep it a second offence, to attempt to regain it a crime that puts the offender out of all the laws of peace or war. You cannot see one of those wretches without an alarm for your life as well as your goods. They are like the worst of the French and Italian banditti, who, whenever they robbed, were sure to murder.

Are they not the very same ruffians, thieves, assassins, and regicides that they were from the beginning? Have they diversified the scene by the least variety, or produced the face of a single new villany? *Tœdet harum quotidianarum formarum.* Oh! but I shall be answered, "It is now quite another thing; — they are all changed. You have not seen them in their state dresses; — this makes an amazing difference. The new habit of the Directory is so charmingly fancied, that it is impossible not to fall in love with so well-dressed a Constitution; — the costume of the *sans-culotte* Constitution of 1793 was absolutely insufferable. The Committee for Foreign Affairs were such slovens, and stunk so abominably, that no *muscadin* ambassador of the smallest degree of delicacy of nerves could come within ten yards of them; but now they are so powdered, and perfumed, and ribanded, and sashed, and plumed, that, though they are grown infinitely more insolent in their fine clothes even than they were in their rags, (and that was enough,) as they now appear, there is something in it more grand and noble, something more suitable to an awful Roman Senate receiving the homage of dependent tetrarchs. Like that Senate, (their perpetual model for conduct towards other nations,) they permit their vassals (during their good pleas-

ure) to assume the name of kings, in order to bestow more dignity on the suite and retinue of the sovereign Republic by the nominal rank of their slaves: *Ut habeant instrumenta servitutis et reges.*" All this is very fine, undoubtedly; and ambassadors whose hands are almost out for want of employment may long to have their part in this august ceremony of the Republic one and indivisible. But, with great deference to the new diplomatic taste, we old people must retain some square-toed predilection for the fashions of our youth.

I am afraid you will find me, my Lord, again falling into my usual vanity, in valuing myself on the eminent men whose society I once enjoyed. I remember, in a conversation I once had with my ever dear friend Garrick, who was the first of actors, because he was the most acute observer of Nature I ever knew, I asked him how it happened, that, whenever a senate appeared on the stage, the audience seemed always disposed to laughter. He said, the reason was plain: the audience was well acquainted with the faces of most of the senators. They knew that they were no other than candle-snuffers, revolutionary scene-shifters, second and third mob, prompters, clerks, executioners, who stand with their axe on their shoulders by the wheel, grinners in the pantomime, murderers in tragedies, who make ugly faces under black wigs, — in short, the very scum and refuse of the theatre; and it was of course that the contrast of the vileness of the actors with the pomp of their habits naturally excited ideas of contempt and ridicule.

So it was at Paris on the inaugural day of the Constitution for the present year. The foreign ministers

were ordered to attend at this investiture of the Directory; — for so they call the managers of their burlesque government. The diplomacy, who were a sort of strangers, were quite awe-struck with the "pride, pomp, and circumstance" of this majestic senate; whilst the *sans-culotte* gallery instantly recognized their old insurrectionary acquaintance, burst out into a horse-laugh at their absurd finery, and held them in infinitely greater contempt than whilst they prowled about the streets in the pantaloons of the last year's Constitution, when their legislators appeared honestly, with their daggers in their belts, and their pistols peeping out of their side-pocket-holes, like a bold, brave banditti, as they are. The Parisians (and I am much of their mind) think that a thief with a crape on his visage is much worse than a barefaced knave, and that such robbers richly deserve all the penalties of all the black acts. In this their thin disguise, their comrades of the late abdicated sovereign *canaille* hooted and hissed them, and from that day have no other name for them than what is not quite so easy to render into English, impossible to make it very civil English: it belongs, indeed, to the language of the *halles:* but, without being instructed in that dialect, it was the opinion of the polite Lord Chesterfield that no man could be a complete master of French. Their Parisian brethren called them *gueux plumés*, which, though not elegant, is expressive and characteristic: *feathered scoundrels*, I think, comes the nearest to it in that kind of English. But we are now to understand that these *gueux*, for no other reason, that I can divine, except their red and white clothes, form at last a state with which we may cultivate amity, and have a

prospect of the blessings of a secure and permanent peace. In effect, then, it was not with the men, or their principles, or their politics, that we quarrelled: our sole dislike was to the cut of their clothes.

But to pass over *their* dresses, — good God! in what habits did the representatives of the crowned heads of Europe appear, when they came to swell the pomp of their humiliation, and attended in solemn function this inauguration of Regicide? That would be the curiosity. Under what robes did they cover the disgrace and degradation of the whole college of kings? What warehouses of masks and dominoes furnished a cover to the nakedness of their shame? The shop ought to be known; it will soon have a good trade. Were the dresses of the ministers of those lately called potentates, who attended on that occasion, taken from the wardrobe of that property-man at the opera, from whence my old acquaintance, Anacharsis Clootz, some years ago equipped a body of ambassadors, whom he conducted, as from all the nations of the world, to the bar of what was called the Constituent Assembly? Among those mock ministers, one of the most conspicuous figures was the representative of the British nation, who unluckily was wanting at the late ceremony. In the face of all the real ambassadors of the sovereigns of Europe was this ludicrous representation of their several subjects, under the name of *oppressed sovereigns*,* exhibited to the Assembly. That Assembly received an harangue, in the name of those sovereigns, against their kings, delivered by this Clootz, actually a subject of Prussia, under the name of Ambassador of the Human Race.

* *Souverains opprimés.* — See the whole proceeding in the *Procès-Verbal* of the National Assembly.

At that time there was only a feeble reclamation from one of the ambassadors of these tyrants and oppressors. A most gracious answer was given to the ministers of the oppressed sovereigns; and they went so far on that occasion as to assign them, in that assumed character, a box at one of their festivals.

I was willing to indulge myself in an hope that this second appearance of ambassadors was only an insolent mummery of the same kind; but, alas! Anacharsis himself, all fanatic as he was, could not have imagined that his opera procession should have been the prototype of the real appearance of the representatives of all the sovereigns of Europe themselves, to make the same prostration that was made by those who dared to represent their people in a complaint against them. But in this the French Republic has followed, as they always affect to do, and have hitherto done with success, the example of the ancient Romans, who shook all governments by listening to the complaints of their subjects, and soon after brought the kings themselves to answer at their bar. At this last ceremony the ambassadors had not Clootz for their Cotterel. Pity that Clootz had not had a reprieve from the guillotine till he had completed his work! But that engine fell before the curtain had fallen upon all the dignity of the earth.

On this their gaudy day the new Regicide Directory sent for that diplomatic rabble, as bad as themselves in principle, but infinitely worse in degradation. They called them out by a sort of roll of their nations, one after another, much in the manner in which they called wretches out of their prison to the guillotine. When these ambassadors of infamy appeared before them, the chief Director, in the name of the rest,

treated each of them with a short, affected, pedantic, insolent, theatric laconium, — a sort of epigram of contempt. When they had thus insulted them in a style and language which never before was heard, and which no sovereign would for a moment endure from another, supposing any of them frantic enough to use it, to finish their outrage, they drummed and trumpeted the wretches out of their hall of audience.

Among the objects of this insolent buffoonery was a person supposed to represent the King of Prussia. To this worthy representative they did not so much as condescend to mention his master; they did not seem to know that he had one; they addressed themselves solely to Prussia in the abstract, notwithstanding the infinite obligation they owed to their early protector for their first recognition and alliance, and for the part of his territory he gave into their hands for the first-fruits of his homage. None but dead monarchs are so much as mentioned by them, and those only to insult the living by an invidious comparison. They told the Prussians they ought to learn, after the example of Frederick the Great, a love for France. What a pity it is, that he, who loved France so well as to chastise it, was not now alive, by an unsparing use of the rod (which, indeed, he would have spared little) to give them another instance of his paternal affection! But the Directory were mistaken. These are not days in which monarchs value themselves upon the title of *great:* they are grown *philosophic:* they are satisfied to be good.

Your Lordship will pardon me for this no very long reflection on the short, but excellent speech of the plumed Director to the ambassador of Cappadocia. The Imperial ambassador was not in waiting, but they

found for Austria a good Judean representation. With great judgment, his Highness, the Grand Duke, had sent the most atheistic coxcomb to be found in Florence, to represent at the bar of impiety the House of Apostolic Majesty, and the descendants of the pious, though high-minded, Maria Theresa. He was sent to humble the whole race of Austria before those grim assassins, reeking with the blood of the daughter of Maria Theresa, whom they sent half dead, in a dung-cart, to a cruel execution; and this true-born son of apostasy and infidelity, this renegado from the faith and from all honor and all humanity, drove an Austrian coach over the stones which were yet wet with her blood, — with that blood which dropped every step through her tumbrel, all the way she was drawn from the horrid prison, in which they had finished all the cruelty and horrors not executed in the face of the sun. The Hungarian subjects of Maria Theresa, when they drew their swords to defend her rights against France, called her, with correctness of truth, though not with the same correctness, perhaps, of grammar, a king: "*Moriamur pro rege nostro, Maria Theresa.*" SHE lived and died a king; and others will have subjects ready to make the same vow, when, in either sex, they show themselves real kings.

When the Directory came to this miserable fop, they bestowed a compliment on his matriculation into *their* philosophy; but as to his master, they made to him, as was reasonable, a reprimand, not without a pardon, and an oblique hint at the whole family. What indignities have been offered through this wretch to his master, and how well borne, it is not necessary that I should dwell on at present. I hope that those who yet wear royal, imperial, and

ducal crowns will learn to feel as men and as kings: if not, I predict to them, they will not long exist as kings or as men.

Great Britain was not there. Almost in despair, I hope she will never, in any rags and *coversluts* of infamy, be seen at such an exhibition. The hour of her final degradation is not yet come; she did not herself appear in the Regicide presence, to be the sport and mockery of those bloody buffoons, who, in the merriment of their pride, were insulting with every species of contumely the fallen dignity of the rest of Europe. But Britain, though not personally appearing to bear her part in this monstrous tragi-comedy, was very far from being forgotten. The new-robed regicides found a representative for her. And who was this representative? Without a previous knowledge, any one would have given a thousand guesses before he could arrive at a tolerable divination of their rancorous insolence. They chose to address what they had to say concerning this nation to the ambassador of America. They did not apply to this ambassador for a mediation: that, indeed, would have indicated a want of every kind of decency; but it would have indicated nothing more. But in this their American apostrophe, your Lordship will observe, they did not so much as pretend to hold out to us directly, or through any mediator, though in the most humiliating manner, any idea whatsoever of peace, or the smallest desire of reconciliation. To the States of America themselves they paid no compliment. They paid their compliment to Washington solely: and on what ground? This most respectable commander and magistrate might deserve commendation on very many of those qualities which they who most disap-

prove some part of his proceedings, not more justly than freely, attribute to him; but they found nothing to commend in him "*but the hatred he bore to Great Britain.*" I verily believe, that, in the whole history of our European wars, there never was such a compliment paid from the sovereign of one state to a great chief of another. Not one ambassador from any one of those powers who pretend to live in amity with this kingdom took the least notice of that unheard-of declaration; nor will Great Britain, till she is known with certainty to be true to her own dignity, find any one disposed to feel for the indignities that are offered to her. To say the truth, those miserable creatures were all silent under the insults that were offered to themselves. They pocketed their epigrams, as ambassadors formerly took the gold boxes and miniature pictures set in diamonds presented them by sovereigns at whose courts they had resided. It is to be presumed that by the next post they faithfully and promptly transmitted to their masters the honors they had received. I can easily conceive the epigram which will be presented to Lord Auckland, or to the Duke of Bedford, as hereafter, according to circumstances, they may happen to represent this kingdom. Few can have so little imagination as not readily to conceive the nature of the boxes of epigrammatic lozenges that will be presented to them.

But *hæ nugæ seria ducunt in mala.* The conduct of the Regicide faction is perfectly systematic in every particular, and it appears absurd only as it is strange and uncouth, not as it has an application to the ends and objects of their policy. When by insult after insult they have rendered the character of sovereigns

vile in the eyes of their subjects, they know there is but one step more to their utter destruction. All authority, in a great degree, exists in opinion: royal authority most of all. The supreme majesty of a monarch cannot be allied with contempt. Men would reason, not unplausibly, that it would be better to get rid of the monarchy at once than to suffer that which was instituted, and well instituted, to support the glory of the nation, to become the instrument of its degradation and disgrace.

A good many reflections will arise in your Lordship's mind upon the time and circumstances of that most insulting and atrocious declaration of hostility against this kingdom. The declaration was made subsequent to the noble lord's encomium on the new Regicide Constitution,—after the pamphlet had made something more than advances towards a reconciliation with that ungracious race, and had directly disowned all those who adhered to the original declaration in favor of monarchy. It was even subsequent to the unfortunate declaration in the speech from the throne (which this pamphlet but too truly announced) of the readiness of our government to enter into connections of friendship with that faction. Here was the answer from the throne of Regicide to the speech from the throne of Great Britain. They go out of their way to compliment General Washington on the supposed rancor of his heart towards this country. It is very remarkable, that they make this compliment of malice to the chief of the United States, who had first signed a treaty of peace, amity, and commerce with this kingdom. This radical hatred, according to their way of thinking, the most recent, solemn compacts of friend-

ship cannot or ought not to remove. In this malice to England, as in the one great comprehensive virtue, all other merits of this illustrious person are entirely merged. For my part, I do not believe the fact to be so as they represent it. Certainly it is not for Mr. Washington's honor as a gentleman, a Christian, or a President of the United States, after the treaty he has signed, to entertain such sentiments. I have a moral assurance that the representation of the Regicide Directory is absolutely false and groundless. If it be, it is a stronger mark of their audacity and insolence, and still a stronger proof of the support they mean to give to the mischievous faction they are known to nourish there, to the ruin of those States, and to the end that no British affections should ever arise in that important part of the world, which would naturally lead to a cordial, hearty British alliance, upon the bottom of mutual interest and ancient affection. It shows in what part it is, and with what a weapon, they mean a deadly blow at the heart of Great Britain. One really would have expected, from this new Constitution of theirs, which had been announced as a great reform, and which was to be, more than any of their former experimental schemes, alliable with other nations, that they would, in their very first public act, and their declaration to the collected representation of Europe and America, have affected some degree of moderation, or, at least, have observed a guarded silence with regard to their temper and their views. No such thing: they were in haste to declare the principles which are spun into the primitive staple of their frame. They were afraid that a moment's doubt should exist about them. In their very infancy they were in haste to put their

hand on their infernal altar, and to swear the same immortal hatred to England which was sworn in the succession of all the short-lived constitutions that preceded it. With them everything else perishes almost as soon as it is formed; this hatred alone is immortal. This is their impure Vestal fire that never is extinguished: and never will it be extinguished, whilst the system of Regicide exists in France. What! are we not to believe them? Men are too apt to be deceitful enough in their professions of friendship, and this makes a wise man walk with some caution through life. Such professions, in some cases, may be even a ground of further distrust. But when a man declares himself your unalterable enemy! No man ever declared to another a rancor towards him which he did not feel. *Falsos in amore odia non fingere*, said an author who points his observations so as to make them remembered.

Observe, my Lord, that, from their invasion of Flanders and Holland to this hour, they have never made the smallest signification of a desire of peace with this kingdom, with Austria, or, indeed, with any other power that I know of. As superiors, they expect others to begin. We have complied, as you may see. The hostile insolence with which they gave such a rebuff to our first overture, in the speech from the throne, did not hinder us from making, from the same throne, a second advance. The two Houses a second time coincided in the same sentiments, with a degree of apparent unanimity, (for there was no dissentient voice but yours,) with which, when they reflect on it, they will be as much ashamed as I am. To this our new humiliating overture (such, at whatever hazard, I must call it) what

did the Regicide Directory answer? Not one public word of a readiness to treat. No, — they feel their proud situation too well. They never declared whether they would grant peace to you or not. They only signified to you their pleasure as to the terms on which alone they would in any case admit you to it. You showed your general disposition to peace, and, to forward it, you left everything open to negotiations. As to any terms you can possibly obtain, they shut out all negotiation at the very commencement. They declared that they never would make a peace by which anything that ever belonged to France should be ceded. We would not treat with the monarchy, weakened as it must obviously be in any circumstance of restoration, without a reservation of something for indemnity and security, — and that, too, in words of the largest comprehension. You treat with the Regicides without any reservation at all. On their part, they assure you formally and publicly, that they will give you nothing in the name of indemnity or security, or for any other purpose.

It is impossible not to pause here for a moment, and to consider the manner in which such declarations would have been taken by your ancestors from a monarch distinguished for his arrogance, — an arrogance which, even more than his ambition, incensed and combined all Europe against him. Whatever his inward intentions may have been, did Louis the Fourteenth ever make a declaration that the true bounds of France were the ocean, the Mediterranean, and the Rhine? In any overtures for peace, did he ever declare that he would make no sacrifices to promote it? His declarations were always directly to the contrary; and at the Peace of Ryswick his

actions were to the contrary. At the close of the war, almost in every instance victorious, all Europe was astonished, even those who received them were astonished, at his concessions. Let those who have a mind to see how little, in comparison, the most powerful and ambitious of all monarchs is to be dreaded consult the very judicious critical observations on the politics of that reign, inserted in the military treatise of the Marquis de Montalembert. Let those who wish to know what is to be dreaded from an ambitious republic consult no author, no military critic, no historical critic. Let them open their own eyes, which degeneracy and pusillanimity have shut from the light that pains them, and let them not vainly seek their security in a voluntary ignorance of their danger.

To dispose us towards this peace, — an attempt in which our author has, I do not know whether to call it the good or ill fortune to agree with whatever is most seditious, factious, and treasonable in this country, — we are told by many dealers in speculation, but not so distinctly by the author himself, (too great distinctness of affirmation not being his fault,) — but we are told, that the French have lately obtained a very pretty sort of Constitution, and that it resembles the British Constitution as if they had been twinned together in the womb, — *mire sagaces fallere hospites discrimen obscurum.* It may be so: but I confess I am not yet made to it: nor is the noble author. He finds the "elements" excellent, but the disposition very inartificial indeed. Contrary to what we might expect at Paris, the meat is good, the cookery abominable. I agree with him fully in the last; and if I were forced to allow the first, I should still think,

with our old coarse by-word, that the same power which furnished all their former *restaurateurs* sent also their present cooks. I have a great opinion of Thomas Paine, and of all his productions: I remember his having been one of the committee for forming one of their annual Constitutions, I mean the admirable Constitution of 1793, after having been a chamber council to the no less admirable Constitution of 1791. This pious patriot has his eyes still directed to his dear native country, notwithstanding her ingratitude to so kind a benefactor. This outlaw of England, and lawgiver to France, is now, in secret probably, trying his hand again, and inviting us to him by making his Constitution such as may give his disciples in England some plausible pretext for going into the house that he has opened. We have discovered, it seems, that all which the boasted wisdom of our ancestors has labored to bring to perfection for six or seven centuries is nearly, or altogether, matched in six or seven days, at the leisure hours and sober intervals of Citizen Thomas Paine.

> "But though the treacherous tapster, Thomas,
> Hangs a new Angel two doors from us,
> As fine as dauber's hands can make it,
> In hopes that strangers may mistake it,
> We think it both a shame and sin
> To quit the good old Angel Inn."

Indeed, in this good old house, where everything at least is well aired, I shall be content to put up my fatigued horses, and here take a bed for the long night that begins to darken upon me. Had I, however, the honor (I must now call it so) of being a member of any of the constitutional clubs, I should think I had carried my point most completely. It is

clear, by the applauses bestowed on what the author calls this new Constitution, a mixed oligarchy, that the difference between the clubbists and the old adherents to the monarchy of this country is hardly worth a scuffle. Let it depart in peace, and light lie the earth on the British Constitution! By this easy manner of treating the most difficult of all subjects, the constitution for a great kingdom, and by letting loose an opinion that they may be made by any adventurers in speculation in a small given time, and for any country, all the ties, which, whether of reason or prejudice, attach mankind to their old, habitual, domestic governments, are not a little loosened; all communion, which the similarity of the basis has produced between all the governments that compose what we call the Christian world and the republic of Europe, would be dissolved. By these hazarded speculations France is more approximated to us in constitution than in situation; and in proportion as we recede from the ancient system of Europe, we approach to that connection which alone can remain to us, a close alliance with the new-discovered moral and political world in France.

These theories would be of little importance, if we did not only know, but sorely feel, that there is a strong Jacobin faction in this country, which has long employed itself in speculating upon constitutions, and to whom the circumstance of their government being home-bred and prescriptive seems no sort of recommendation. What seemed to us to be the best system of liberty that a nation ever enjoyed to them seems the yoke of an intolerable slavery. This speculative faction had long been at work. The French Revolution did not cause it: it only discov-

ered it, increased it, and gave fresh vigor to its operations. I have reason to be persuaded that it was in this country, and from English writers and English caballers, that France herself was instituted in this revolutionary fury. The communion of these two factions upon any pretended basis of similarity is a matter of very serious consideration. They are always considering the formal distributions of power in a constitution: the moral basis they consider as nothing. Very different is my opinion: I consider the moral basis as everything, — the formal arrangements, further than as they promote the moral principles of government, and the keeping desperately wicked persons as the subjects of laws and not the makers of them, to be of little importance. What signifies the cutting and shuffling of cards, while the pack still remains the same? As a basis for such a connection as has subsisted between the powers of Europe, we had nothing to fear, but from the lapses and frailties of men, — and that was enough; but this new pretended republic has given us more to apprehend from what they call their virtues than we had to dread from the vices of other men. Avowedly and systematically, they have given the upperhand to all the vicious and degenerate part of human nature. It is from their lapses and deviations from their principle that alone we have anything to hope.

I hear another inducement to fraternity with the present rulers. They have murdered one Robespierre. This Robespierre, they tell us, was a cruel tyrant, and now that he is put out of the way, all will go well in France. Astræa will again return to that earth from which she has been an emigrant, and all

nations will resort to her golden scales. It is very extraordinary, that, the very instant the mode of Paris is known here, it becomes all the fashion in London. This is their jargon. It is the old *bon-ton* of robbers, who cast their common crimes on the wickedness of their departed associates. I care little about the memory of this same Robespierre. I am sure he was an execrable villain. I rejoiced at his punishment neither more nor less than I should at the execution of the present Directory, or any of its members. But who gave Robespierre the power of being a tyrant? and who were the instruments of his tyranny? The present virtuous constitution-mongers. He was a tyrant; they were his satellites and his hangmen. Their sole merit is in the murder of their colleague. They have expiated their other murders by a new murder. It has always been the case among this banditti. They have always had the knife at each other's throats, after they had almost blunted it at the throats of every honest man. These people thought, that, in the commerce of murder, he was like to have the better of the bargain, if any time was lost; they therefore took one of their short revolutionary methods, and massacred him in a manner so perfidious and cruel as would shock all humanity, if the stroke was not struck by the present rulers on one of their own associates. But this last act of infidelity and murder is to expiate all the rest, and to qualify them for the amity of an humane and virtuous sovereign and civilized people. I have heard that a Tartar believes, when he has killed a man, that all his estimable qualities pass with his clothes and arms to the murderer; but I have never heard that it was the opinion of any sav-

age Scythian, that, if he kills a brother villain, he is, *ipso facto*, absolved of all his own offences. The Tartarian doctrine is the most tenable opinion. The murderers of Robespierre, besides what they are entitled to by being engaged in the same tontine of infamy, are his representatives, have inherited all his murderous qualities, in addition to their own private stock. But it seems we are always to be of a party with the last and victorious assassins. I confess I am of a different mind, and am rather inclined, of the two, to think and speak less hardly of a dead ruffian than to associate with the living. I could better bear the stench of the gibbeted murderer than the society of the bloody felons who yet annoy the world. Whilst they wait the recompense due to their ancient crimes, they merit new punishment by the new offences they commit. There is a period to the offences of Robespierre. They survive in his assassins. "Better a living dog," says the old proverb, "than a dead lion." Not so here. Murderers and hogs never look well till they are hanged. From villany no good can arise, but in the example of its fate. So I leave them their dead Robespierre, either to gibbet his memory, or to deify him in their Pantheon with their Marat and their Mirabeau.

It is asserted that this government promises stability. God of his mercy forbid! If it should, nothing upon earth besides itself can be stable. We declare this stability to be the ground of our making peace with them. Assuming it, therefore, that the men and the system are what I have described, and that they have a determined hostility against this country, — an hostility not only of policy, but of predilection, — then I think that every rational being would go

along with me in considering its permanence as the greatest of all possible evils. If, therefore, we are to look for peace with such a thing in any of its monstrous shapes, which I deprecate, it must be in that state of disorder, confusion, discord, anarchy, and insurrection, such as might oblige the momentary rulers to forbear their attempts on neighboring states, or to render these attempts less operative, if they should kindle new wars. When was it heard before, that the internal repose of a determined and wicked enemy, and the strength of his government, became the wish of his neighbor, and a security against either his malice or his ambition? The direct contrary has always been inferred from that state of things: accordingly, it has ever been the policy of those who would preserve themselves against the enterprises of such a malignant and mischievous power to cut out so much work for him in his own states as might keep his dangerous activity employed at home.

It is said, in vindication of this system, which demands the stability of the Regicide power as a ground for peace with them, that, when they have obtained, as now it is said (though not by this noble author) they have, a permanent government, they will be *able* to preserve amity with this kingdom, and with others who have the misfortune to be in their neighborhood. Granted. They will be *able* to do so, without question; but are they willing to do so? Produce the act; produce the declaration. Have they made any single step towards it? Have they ever once proposed to treat?

The assurance of a stable peace, grounded on the stability of their system, proceeds on this hypothe-

sis, — that their hostility to other nations has proceeded from their anarchy at home, and from the prevalence of a populace which their government had not strength enough to master. This I utterly deny. I insist upon it as a fact, that, in the daring commencement of all their hostilities, and their astonishing perseverance in them, so as never once, in any fortune, high or low, to propose a treaty of peace to any power in Europe, they have never been actuated by the people: on the contrary, the people, I will not say have been moved, but impelled by them, and have generally acted under a compulsion, of which most of us are as yet, thank God, unable to form an adequate idea. The war against Austria was formally declared by the unhappy Louis the Sixteenth; but who has ever considered Louis the Sixteenth, since the Revolution, to have been the government? The second Regicide Assembly, then the only government, was the author of that war; and neither the nominal king nor the nominal people had anything to do with it, further than in a reluctant obedience. It is to delude ourselves, to consider the state of France, since their Revolution, as a state of anarchy: it is something far worse. Anarchy it is, undoubtedly, if compared with government pursuing the peace, order, morals, and prosperity of the people; but regarding only the power that has really guided from the day of the Revolution to this time, it has been of all governments the most absolute, despotic, and effective that has hitherto appeared on earth. Never were the views and politics of any government pursued with half the regularity, system, and method that a diligent observer must have contemplated with amazement and terror in theirs.

Their state is not an anarchy, but a series of short-lived tyrannies. We do not call a republic with annual magistrates an anarchy: theirs is that kind of republic; but the succession is not effected by the expiration of the term of the magistrate's service, but by his murder. Every new magistracy, succeeding by homicide, is auspicated by accusing its predecessors in the office of tyranny, and it continues by the exercise of what they charged upon others.

This strong hand is the law, and the sole law, in their state. I defy any person to show any other law, — or if any such should be found on paper, that it is in the smallest degree, or in any one instance, regarded or practised. In all their successions, not one magistrate, or one form of magistracy, has expired by a mere occasional popular tumult; everything has been the effect of the studied machinations of the one revolutionary cabal, operating within itself upon itself. That cabal is all in all. France has no public; it is the only nation I ever heard of, where the people are absolutely slaves, in the fullest sense, in all affairs, public and private, great and small, even down to the minutest and most recondite parts of their household concerns. The helots of Laconia, the regardants to the manor in Russia and in Poland, even the negroes in the West Indies, know nothing of so searching, so penetrating, so heart-breaking a slavery. Much would these servile wretches call for our pity under that unheard-of yoke, if for their perfidious and unnatural rebellion, and for their murder of the mildest of all monarchs, they did not richly deserve a punishment not greater than their crime.

On the whole, therefore, I take it to be a great

mistake to think that the want of power in the government furnished a natural cause of war; whereas the greatness of its power, joined to its use of that power, the nature of its system, and the persons who acted in it, did naturally call for a strong military resistance to oppose them, and rendered it not only just, but necessary. But at present I say no more on the genius and character of the power set up in France. I may probably trouble you with it more at large hereafter: this subject calls for a very full exposure: at present it is enough for me, if I point it out as a matter well worthy of consideration, whether the true ground of hostility was not rightly conceived very early in this war, and whether anything has happened to change that system, except our ill success in a war which in no principal instance had its true destination as the object of its operations. That the war has succeeded ill in many cases is undoubted; but then let us speak the truth, and say we are defeated, exhausted, dispirited, and must submit. This would be intelligible. The world would be inclined to pardon the abject conduct of an un done nation. But let us not conceal from *ourselves* our real situation, whilst, by every species of humiliation, we are but too strongly displaying our sense of it to the enemy.

The writer of the Remarks in the Last Week of October appears to think that the present government in France contains many of the elements which, when properly arranged, are known to form the best practical governments, — and that the system, whatever may become its particular form, is no longer likely to be an obstacle to negotiation. If its form now be no obstacle to such negotiation, I do not know why

it was ever so. Suppose that this government promised greater permanency than any of the former, (a point on which I can form no judgment,) still a link is wanting to couple the permanence of the government with the permanence of the peace. On this not one word is said: nor can there be, in my opinion. This deficiency is made up by strengthening the first ringlet of the chain, that ought to be, but that is not, stretched to connect the two propositions. All seems to be done, if we can make out that the last French edition of Regicide is like to prove stable.

As a prognostic of this stability, it is said to be accepted by the people. Here again I join issue with the fraternizers, and positively deny the fact. Some submission or other has been obtained, by some means or other, to every government that hitherto has been set up. And the same submission would, by the same means, be obtained for any other project that the wit or folly of man could possibly devise. The Constitution of 1790 was universally received. The Constitution which followed it, under the name of a Convention, was universally submitted to. The Constitution of 1793 was universally accepted. Unluckily, this year's Constitution, which was formed, and its genethliacon sung by the noble author while it was yet in embryo, or was but just come bloody from the womb, is the only one which in its very formation has been generally resisted by a very great and powerful party in many parts of the kingdom, and particularly in the capital. It never had a popular choice even in show: those who arbitrarily erected the new building out of the old materials of their own Convention were obliged to send for an army to support their work: like brave gladiators, they

fought it out in the streets of Paris, and even massacred each other in their house of assembly, in the most edifying manner, and for the entertainment and instruction of their Excellencies the foreign ambassadors, who had a box in this constitutional amphitheatre of a free people.

At length, after a terrible struggle, the troops prevailed over the citizens. The citizen soldiers, the ever-famed national guards, who had deposed and murdered their sovereign, were disarmed by the inferior trumpeters of that rebellion. Twenty thousand regular troops garrison Paris. Thus a complete military government is formed. It has the strength, and it may count on the stability, of that kind of power. This power is to last as long as the Parisians think proper. Every other ground of stability, but from military force and terror, is clean out of the question. To secure them further, they have a strong corps of irregulars, ready-armed. Thousands of those hell-hounds called Terrorists, whom they had shut up in prison, on their last Revolution, as the satellites of tyranny, are let loose on the people. The whole of their government, in its origination, in its continuance, in all its actions, and in all its resources, is force, and nothing but force: a forced constitution, a forced election, a forced subsistence, a forced requisition of soldiers, a forced loan of money.

They differ nothing from all the preceding usurpations, but that to the same odium a good deal more of contempt is added. In this situation, notwithstanding all their military force, strengthened with the undisciplined power of the Terrorists, and the nearly general disarming of Paris, there would almost certainly have been before this an insurrection

against them, but for one cause. The people of France languish for peace. They all despaired of obtaining it from the coalesced powers, whilst they had a gang of professed regicides at their head; and several of the least desperate republicans would have joined with better men to shake them wholly off, and to produce something more ostensible, if they had not been reiteratedly told that their sole hope of peace was the very contrary to what they naturally imagined: that they must leave off their cabals and insurrections, which could serve no purpose but to bring in that royalty which was wholly rejected by the coalesced kings; that, to satisfy them, they must tranquilly, if they could not cordially, submit themselves to the tyranny and the tyrants they despised and abhorred. Peace was held out by the allied monarchies to the people of France, as a bounty for supporting the Republic of Regicides. In fact, a coalition, begun for the avowed purpose of destroying that den of robbers, now exists only for their support. If evil happens to the princes of Europe from the success and stability of this infernal business, it is their own absolute crime.

We are to understand, however, (for sometimes so the author hints,) that something stable in the Constitution of Regicide was required for our amity with it; but the noble Remarker is no more solicitous about this point than he is for the permanence of the whole body of his October speculations. "If," says he, speaking of the Regicide, "they can obtain a practicable constitution, even for a limited period of time, they will be in a condition to reëstablish the accustomed relations of peace and amity." Pray let us leave this bush-fighting. What is meant by *a lim-*

ited period of time? Does it mean the direct contrary to the terms, *an unlimited period?* If it is a limited period, what limitation does he fix as a ground for his opinion? Otherwise, his limitation is unlimited. If he only requires a constitution that will last while the treaty goes on, ten days' existence will satisfy his demands. He knows that France never did want a practicable constitution, nor a government, which endured for a limited period of time. Her constitutions were but too practicable; and short as was their duration, it was but too long. They endured time enough for treaties which benefited themselves and have done infinite mischief to our cause. But, granting him his strange thesis, that hitherto the mere form or the mere term of their constitutions, and not their indisposition, but their instability, has been the cause of their not preserving the relations of amity, — how could a constitution which might not last half an hour after the noble lord's signature of the treaty, in the company in which he must sign it, insure its observance? If you trouble yourself at all with their constitutions, you are certainly more concerned with them after the treaty than before it, as the observance of conventions is of infinitely more consequence than the making them. Can anything be more palpably absurd and senseless than to object to a treaty of peace for want of durability in constitutions which had an actual duration, and to trust a constitution that at the time of the writing had not so much as a practical existence? There is no way of accounting for such discourse in the mouths of men of sense, but by supposing that they secretly entertain a hope that the very act of having made a peace with the Regicides will give a

stability to the Regicide system. This will not clear the discourse from the absurdity, but it will account for the conduct, which such reasoning so ill defends. What a roundabout way is this to peace, — to make war for the destruction of regicides, and then to give them peace in order to insure a stability that will enable them to observe it! I say nothing of the honor displayed in such a system. It is plain it militates with itself almost in all the parts of it. In one part, it supposes stability in their Constitution, as a ground of a stable peace; in another part, we are to hope for peace in a different way, — that is, by splitting this brilliant orb into little stars, and this would make the face of heaven so fine! No, there is no system upon which the peace which in humility we are to supplicate can possibly stand.

I believe, before this time, that the mere form of a constitution, in any country, never was fixed as the sole ground of objecting to a treaty with it. With other circumstances it may be of great moment. What is incumbent on the assertors of the Fourth Week of October system to prove is not whether their then expected Constitution was likely to be stable or transitory, but whether it promised to this country and its allies, and to the peace and settlement of all Europe, more good-will or more good faith than any of the experiments which have gone before it. On these points I would willingly join issue.

Observe first the manner in which the Remarker describes (very truly, as I conceive) the people of France under that auspicious government, and then observe the conduct of that government to other nations. "The people without *any* established constitution; distracted by popular convulsions; in a state

of inevitable bankruptcy; without any commerce; with their principal ports blockaded; and without a fleet that could venture to face one of our *detached squadrons*." Admitting, as fully as he has stated it, this condition of France, I would fain know how he reconciles this condition with his ideas of *any kind of a practicable constitution*, or *duration for a limited period*, which are his *sine qua non* of peace. But passing by contradictions, as no fair objections to reasoning, this state of things would naturally, at other times, and in other governments, have produced a disposition to peace, almost on any terms. But, in that state of their country, did the Regicide government solicit peace or amity with other nations, or even lay any specious grounds for it, in propositions of affected moderation, or in the most loose and general conciliatory language? The direct contrary. It was but a very few days before the noble writer had commenced his Remarks, as if it were to refute him by anticipation, that his France thought fit to lay out a new territorial map of dominion, and to declare to us and to all Europe what territories she was willing to allot to her own empire, and what she is content (during her good pleasure) to leave to others.

This their law of empire was promulgated without any requisition on that subject, and proclaimed in a style and upon principles which never had been heard of in the annals of arrogance and ambition. She prescribed the limits to her empire, not upon principles of treaty, convention, possession, usage, habitude, the distinction of tribes, nations, or languages, but by physical aptitudes. Having fixed herself as the arbiter of physical dominion, she construed the limits of Nature by her convenience. That was Nature

which most extended and best secured the empire of France.

I need say no more on the insult offered not only to all equity and justice, but to the common sense of mankind, in deciding legal property by physical principles, and establishing the convenience of a party as a rule of public law. The noble advocate for peace has, indeed, perfectly well exploded this daring and outrageous system of pride and tyranny. I am most happy in commending him, when he writes like himself. But hear still further and in the same good strain the great patron and advocate of amity with this accommodating, mild, and unassuming power, when he reports to you the law they give, and its immediate effects: — "They amount," says he, "to the sacrifice of powers that have been the most nearly connected with us, — the direct or indirect annexation to France of all the ports of the Continent from Dunkirk to Hamburg, — an immense accession of territory, — and, in one word, THE ABANDONMENT OF THE INDEPENDENCE OF EUROPE!" This is the LAW (the author and I use no different terms) which this new government, almost as soon as it could cry in the cradle, and as one of the very first acts by which it auspicated its entrance into function, the pledge it gives of the firmness of its policy, — such is the law that this proud power prescribes to abject nations. What is the comment upon this law by the great jurist who recommends us to the tribunal which issued the decree? "An obedience to it would be" (says he) "dishonorable to us, and exhibit us to the present age and to posterity as submitting to the law prescribed to us by our enemy."

Here I recognize the voice of a British plenipotentiary: I begin to feel proud of my country. But, alas! the short date of human elevation! The accents of dignity died upon his tongue. This author will not assure us of his sentiments for the whole of a pamphlet; but, in the sole energetic part of it, he does not continue the same through an whole sentence, if it happens to be of any sweep or compass. In the very womb of this last sentence, pregnant, as it should seem, with a Hercules, there is formed a little bantling of the mortal race, a degenerate, puny parenthesis, that totally frustrates our most sanguine views and expectations, and disgraces the whole gestation. Here is this destructive parenthesis: "Unless some adequate compensation be secured *to us*." *To us!* The Christian world may shift for itself, Europe may groan in slavery, we may be dishonored by receiving law from an enemy, — but all is well, provided the compensation *to us* be adequate. To what are we reserved? An *adequate* compensation "for the sacrifice of powers the most nearly connected with us"; — an *adequate* compensation "for the direct or indirect annexation to France of all the ports of the Continent from Dunkirk to Hamburg"; — an *adequate* compensation "for the abandonment of the independence of Europe"! Would that, when all our manly sentiments are thus changed, our manly language were changed along with them, and that the English tongue were not employed to utter what our ancestors never dreamed could enter into an English heart!

But let us consider this matter of adequate compensation. Who is to furnish it? From what funds is it to be drawn? Is it by another treaty of com-

merce? I have no objections to treaties of commerce upon principles of commerce. Traffic for traffic, — all is fair. But commerce in exchange for empire, for safety, for glory! We set out in our dealing with a miserable cheat upon ourselves. I know it may be said, that we may prevail on this proud, philosophical, military Republic, which looks down with contempt on trade, to declare it unfit for the sovereign of nations to be *eundem negotiatorem et dominum:* that, in virtue of this maxim of her state, the English in France may be permitted, as the Jews are in Poland and in Turkey, to execute all the little inglorious occupations, — to be the sellers of new and the buyers of old clothes, to be their brokers and factors, and to be employed in casting up their debits and credits, whilst the master Republic cultivates the arts of empire, prescribes the forms of peace to nations, and dictates laws to a subjected world. But are we quite sure, that, when we have surrendered half Europe to them in hope of this compensation, the Republic will confer upon us those privileges of dishonor? Are we quite certain that she will permit us to farm the guillotine, — to contract for the provision of her twenty thousand Bastiles, — to furnish transports for the myriads of her exiles to Guiana, — to become commissioners for her naval stores, — or to engage for the clothing of those armies which are to subdue the poor relics of Christian Europe? No! She is bespoke by the Jew subjects of her own Amsterdam for all these services.

But if these, or matters similar, are not the compensations the Remarker demands, and that on consideration he finds them neither adequate nor certain, who else is to be the chapman, and to furnish

the purchase-money, at this market, of all the grand principles of empire, of law, of civilization, of morals, and of religion, where British faith and honor are to be sold by inch of candle? Who is to be the *dedecorum pretiosus emptor?* Is it the *navis Hispanæ magister?* Is it to be furnished by the Prince of Peace? Unquestionably. Spain as yet possesses mines of gold and silver, and may give us in *pesos duros* an adequate compensation for our honor and our virtue When these things are at all to be sold, they are the vilest commodities at market.

It is full as singular as any of the other singularities in this work, that the Remarker, talking so much as he does of cessions and compensations passes by Spain in his general settlement, as if there were no such country on the globe, — as if there were no Spain in Europe, no Spain in America. But this great matter of political deliberation cannot be put out of our thoughts by his silence. She *has* furnished compensations, — not to you, but to France. The Regicide Republic and the still nominally subsisting monarchy of Spain are united, — and are united upon a principle of jealousy, if not of bitter enmity, to Great Britain. The noble writer has here another matter for meditation. It is not from Dunkirk to Hamburg that the ports are in the hands of France: they are in the hands of France from Hamburg to Gibraltar. How long the new dominion will last I cannot tell; but France the Republic has conquered Spain, and the ruling party in that court acts by her orders and exists by her power.

The noble writer, in his views into futurity, has forgotten to look back to the past. If he chooses it, he may recollect, that, on the prospect of the death

of Philip the Fourth, and still more on the event, all Europe was moved to its foundations. In the treaties of partition that first were entered into, and in the war that afterwards blazed out to prevent those crowns from being actually or virtually united in the House of Bourbon, the predominance of France in Spain, and above all, in the Spanish Indies, was the great object of all these movements in the cabinet and in the field. The Grand Alliance was formed upon that apprehension. On that apprehension the mighty war was continued during such a number of years as the degenerate and pusillanimous impatience of our dwindled race can hardly bear to have reckoned: a war equal, within a few years, in duration, and not, perhaps, inferior in bloodshed, to any of those great contests for empire which in history make the most awful matter of recorded memory.

> Ad confligendum venientibus undique Pœnis,
> Omnia cum belli trepido concussa tumultu
> Horrida contremuere sub altis ætheris auris,
> In dubioque fuit sub utrorum regna cadendum
> Omnibus humanis esset terrâque marique. —

When this war was ended, (I cannot stay now to examine how,) the object of the war was the object of the treaty. When it was found impracticable, or less desirable than before, wholly to exclude a branch of the Bourbon race from that immense succession, the point of Utrecht was to prevent the mischiefs to arise from the influence of the greater upon the lesser branch. His Lordship is a great member of the diplomatic body; he has, of course, all the fundamental treaties which make the public statute law of Europe by heart: and, indeed, no active member of Parliament ought to be ignorant of their general

tenor and leading provisions. In the treaty which closed that war, and of which it is a fundamental part, because relating to the whole policy of the compact, it was agreed that Spain should not give anything from her territory in the West Indies to France. This article, apparently onerous to Spain, was in truth highly beneficial. But, oh, the blindness of the greatest statesman to the infinite and unlooked-for combinations of things which lie hid in the dark prolific womb of futurity! The great trunk of Bourbon is cut down; the withered branch is worked up into the construction of a French Regicide Republic. Here we have formed a new, unlooked-for, monstrous, heterogeneous alliance, — a double-natured monster, republic above and monarchy below. There is no centaur of fiction, no poetic satyr of the woods, nothing short of the hieroglyphic monsters of Egypt, dog in head and man in body, that can give an idea of it. None of these things can subsist in Nature (so, at least, it is thought); but the moral world admits monsters which the physical rejects.

In this metamorphosis, the first thing done by Spain, in the honey-moon of her new servitude, was, with all the hardihood of pusillanimity, utterly to defy the most solemn treaties with Great Britain and the guaranty of Europe. She has yielded the largest and fairest part of one of the largest and fairest islands in the West Indies, perhaps on the globe, to the usurped powers of France. She completes the title of those powers to the whole of that important central island of Hispaniola. She has solemnly surrendered to the regicides and butchers of the Bourbon family what that court never ventured, perhaps never wished, to bestow on the patriarchal stock of her own august house.

The noble negotiator takes no notice of this portentous junction and this audacious surrender. The effect is no less than the total subversion of the balance of power in the West Indies, and indeed everywhere else. This arrangement, considered in itself, but much more as it indicates a complete union of France with Spain, is truly alarming. Does he feel nothing of the change this makes in that part of his description of the state of France where he supposes her not able to face one of our detached squadrons? Does he feel nothing for the condition of Portugal under this new coalition? Is it for this state of things he recommends our junction in that common alliance as a remedy? It is surely already monstrous enough. We see every standing principle of policy, every old governing opinion of nations, completely gone, and with it the foundation of all their establishments. Can Spain keep herself internally where she is, with this connection? Does he dream that Spain, unchristian, or even uncatholic, can exist as a monarchy? This author indulges himself in speculations of the division of the French Republic. I only say, that with much greater reason he might speculate on the republicanism and the subdivision of Spain.

It is not peace with France which secures that feeble government; it is that peace which, if it shall continue, decisively ruins Spain. Such a peace is not the peace which the remnant of Christianity celebrates at this holy season. In it there is no glory to God on high, and not the least tincture of good-will to man. What things we have lived to see! The King of Spain in a group of Moors, Jews, and Renegadoes; and the clergy taxed to pay for his conversion! The

Catholic King in the strict embraces of the most Unchristian Republic! I hope we shall never see his Apostolic Majesty, his Faithful Majesty, and the King, Defender of the Faith, added to that unhallowed and impious fraternity.

The noble author has glimpses of the consequences of peace, as well as I. He feels for the colonies of Great Britain, one of the principal resources of our commerce and our naval power, if piratical France shall be established, as he knows she must be, in the West Indies, if we sue for peace on such terms as they may condescend to grant us. He feels that their very colonial system for the interior is not compatible with the existence of our colonies. I tell him, and doubt not I shall be able to demonstrate, that, being what she is, if she possesses a rock there, we cannot be safe. Has this author had in his view the transactions between the Regicide Republic and the yet nominally subsisting monarchy of Spain?

I bring this matter under your Lordship's consideration, that you may have a more complete view than this author chooses to give of the *true France* you have to deal with, as to its nature, and to its force and its disposition. Mark it, my Lord, France, in giving her law to Spain, stipulated for none of her indemnities in Europe, no enlargement whatever of her frontier. Whilst we are looking for indemnities from France, betraying our own safety in a sacrifice of the independence of Europe, France secures hers by the most important acquisition of territory ever made in the West Indies since their first settlement. She appears (it is only in appearance) to give up the frontier of Spain; and she is compensated, not in appearance, but in reality, by a territory

that makes a dreadful frontier to the colonies of Great Britain.

It is sufficiently alarming that she is to have the possession of this great island. But all the Spanish colonies, virtually, are hers. Is there so puny a whipster in the *petty form* of the school of politics who can be at a loss for the fate of the British colonies, when he combines the French and Spanish consolidation with the known critical and dubious dispositions of the United States of America, as they are at present, but which, when a peace is made, when the basis of a Regicide ascendency in Spain is laid, will no longer be so good as dubious and critical? But I go a great deal further; and on much consideration of the condition and circumstances of the West Indies, and of the genius of this new republic, as it has operated and is likely to operate on them, I say, that, if a single rock in the West Indies is in the hands of this *transatlantic Morocco*, we have not an hour's safety there.

The Remarker, though he slips aside from the main consideration, seems aware that this arrangement, standing as it does, in the West Indies, leaves us at the mercy of the new coalition, or rather at the mercy of the sole guiding part of it. He does not, indeed, adopt a supposition such as I make, who am confident that anything which can give them a single good port and opportune piratical station there would lead to our ruin: the author proceeds upon an idea that the Regicides may be an existing and considerable territorial power in the West Indies, and, of course, her piratical system more dangerous and as real. However, for that desperate case he has an easy remedy; but, surely, in his whole shop there

is nothing so extraordinary. It is, that we three, France, Spain, and England, (there are no other of any moment,) should adopt some "*analogy* in the interior systems of government in the several islands which we may respectively retain after the closing of the war." This plainly can be done only by a convention between the parties; and I believe it would be the first war ever made to terminate in an analogy of the interior government of any country, or any parts of such countries. Such a partnership in domestic government is, I think, carrying fraternity as far as it will go.

It will be an affront to your sagacity to pursue this matter into all its details: suffice it to say, that, if this convention for analogous domestic government is made, it immediately gives a right for the residence of a consul (in all likelihood some negro or man of color) in every one of your islands; a Regicide ambassador in London will be at all your meetings of West India merchants and planters, and, in effect, in all our colonial councils. Not one order of Council can hereafter be made, or any one act of Parliament relative to the West India colonies even be agitated, which will not always afford reasons for protests and perpetual interference; the Regicide Republic will become an integral part of the colonial legislature, and, so far as the colonies are concerned, of the British too. But it will be still worse: as all our domestic affairs are interlaced more or less intimately with our external, this intermeddling must everywhere insinuate itself into all other interior transactions, and produce a copartnership in our domestic concerns of every description.

Such are the plain, inevitable consequences of this

arrangement of a system of analogous interior government. On the other hand, without it, the author assures us, and in this I heartily agree with him, "that the correspondence and communications between the neighboring colonies will be great, that the disagreements will be incessant, and that causes even of national quarrels will arise *from day to day*." Most true. But, for the reasons I have given, the case, if possible, will be worse by the proposed remedy, by the triple fraternal interior analogy, — an analogy itself most fruitful, and more foodful than the old Ephesian statue with the three tier of breasts. Your Lordship must also observe how infinitely this business must be complicated by our interference in the slow-paced Saturnian movements of Spain and the rapid parabolic flights of France. But such is the disease, — such is the cure, — such is, and must be, the effect of Regicide vicinity.

But what astonishes me is, that the negotiator, who has certainly an exercised understanding, did not see that every person habituated to such meditations must necessarily pursue the train of thought further than he has carried it, and must ask himself whether what he states so truly of the necessity of our arranging an analogous interior government, in consequence of the vicinity of our possessions, in the West Indies, does not as extensively apply, and much more forcibly, to the circumstance of our much nearer vicinity with the parent and author of this mischief. I defy even his acuteness and ingenuity to show me any one point in which the cases differ, except that it is plainly more necessary in Europe than in America. Indeed, the further we trace the details of the proposed peace, the more your Lordship will be satis-

fied that I have not been guilty of any abuse of terms, when I use indiscriminately (as I always do, in speaking of arrangements with Regicide) the words peace and fraternity. An analogy between our interior governments must be the consequence. The noble negotiator sees it as well as I do. I deprecate this Jacobin interior analogy. But hereafter, perhaps, I may say a good deal more upon this part of the subject.

The noble lord insists on very little more than on the excellence of their Constitution, the hope of their dwindling into little republics, and this close copartnership in government. I hear of others, indeed, that offer by other arguments to reconcile us to this peace and fraternity. The Regicides, they say, have renounced the creed of the Rights of Man, and declared equality a chimera. This is still more strange than all the rest. They have apostatized from their apostasy. They are renegadoes from that impious faith for which they subverted the ancient government, murdered their king, and imprisoned, butchered, confiscated, and banished their fellow-subjects, and to which they forced every man to swear at the peril of his life. And now, to reconcile themselves to the world, they declare this creed, bought by so much blood, to be an imposture and a chimera. I have no doubt that they always thought it to be so, when they were destroying everything at home and abroad for its establishment. It is no strange thing, to those who look into the nature of corrupted man, to find a violent persecutor a perfect unbeliever of his own creed. But this is the very first time that any man or set of men were hardy enough to attempt to lay the ground of confidence in them by an acknowledgment of their own falsehood, fraud, hypocrisy,

treachery, heterodox doctrine, persecution, and cruelty. Everything we hear from them is new, and, to use a phrase of their own, *revolutionary;* everything supposes a total revolution in all the principles of reason, prudence, and moral feeling. If possible, this their recantation of the chief parts in the canon of the Rights of Man is more infamous and causes greater horror than their originally promulgating and forcing down the throats of mankind that symbol of all evil. It is raking too much into the dirt and ordure of human nature to say more of it.

I hear it said, too, that they have lately declared in favor of property. This is exactly of the same sort with the former. What need had they to make this declaration, if they did not know that by their doctrines and practices they had totally subverted all property? What government of Europe, either in its origin or its continuance, has thought it necessary to declare itself in favor of property? The more recent ones were formed for its protection against former violations; the old consider the inviolability of property and their own existence as one and the same thing, and that a proclamation for its safety would be sounding an alarm on its danger. But the Regicide banditti knew that this was not the first time they have been obliged to give such assurances, and had as often falsified them. They knew, that, after butchering hundreds of men, women, and children, for no other cause than to lay hold on their property, such a declaration might have a chance of encouraging other nations to run the risk of establishing a commercial house amongst them. It is notorious, that these very Jacobins, upon an

alarm of the shopkeeper of Paris, made this declaration in favor of property. These brave fellows received the apprehensions expressed on that head with indignation, and said that property could be in no danger, because all the world knew it was under the protection of the *sans-culottes*. At what period did they not give this assurance? Did they not give it, when they fabricated their first Constitution? Did they not then solemnly declare it one of the rights of a citizen (a right, of course, only declared, and not then fabricated) to depart from his country, and choose another *domicilium*, without detriment to his property? Did they not declare that no property should be confiscated from the children for the crime of the parent? Can they now declare more fully their respect for property than they did at that time? And yet was there ever known such horrid violences and confiscations as instantly followed under the very persons now in power, many of them leading members of that Assembly, and all of them violators of that engagement which was the very basis of their republic, — confiscations in which hundreds of men, women, and children, not guilty of one act of duty in resisting their usurpation, were involved? This keeping of their old is, then, to give us a confidence in their new engagements. But examine the matter, and you will see that the prevaricating sons of violence give no relief at all, where at all it can be wanted. They renew their old fraudu lent declaration against confiscations, and then they expressly exclude all adherents to their ancient lawful government from any benefit of it: that is to say, they promise that they will secure all their brother plunderers in their share of the common plunder.

The fear of being robbed by every new succession of robbers, who do not keep even the faith of that kind of society, absolutely required that they should give security to the dividends of spoil, else they could not exist a moment. But it was necessary, in giving security to robbers, that honest men should be deprived of all hope of restitution; and thus their interests were made utterly and eternally incompatible. So that it appears that this boasted security of property is nothing more than a seal put upon its destruction; this ceasing of confiscation is to secure the confiscators against the innocent proprietors. That very thing which is held out to you as your cure is that which makes your malady, and renders it, if once it happens, utterly incurable. You, my Lord, who possess a considerable, though not an invidious estate, may be well assured, that, if, by being engaged, as you assuredly would be, in the defence of your religion, your king, your order, your laws, and liberties, that estate should be put under confiscation, the property would be secured, but in the same manner, at your expense.

But, after all, for what purpose are we told of this reformation in their principles, and what is the policy of all this softening in ours, which is to be produced by their example? It is not to soften us to suffering innocence and virtue, but to mollify us to the crimes and to the society of robbers and ruffians. But I trust that our countrymen will not be softened to that kind of crimes and criminals; for, if we should, our hearts will be hardened to everything which has a claim on our benevolence. A kind Providence has placed in our breasts a hatred of the unjust and cruel, in order that we may preserve our-

selves from cruelty and injustice. They who bear cruelty are accomplices in it. The pretended gentleness which excludes that charitable rancor produces an indifference which is half an approbation. They never will love where they ought to love, who do not hate where they ought to hate.

There is another piece of policy, not more laudable than this, in reading these moral lectures, which lessens our hatred to criminals and our pity to sufferers by insinuating that it has been owing to their fault or folly that the latter have become the prey of the former. By flattering us that we are not subject to the same vices and follies, it induces a confidence that we shall not suffer the same evils by a contact with the infamous gang of robbers who have thus robbed and butchered our neighbors before our faces. We must not be flattered to our ruin. Our vices are the same as theirs, neither more nor less. If any faults we had, which wanted this French example to call us to a "*softening* of character, and a review of our social relations and duties," there is yet no sign that we have commenced our reformation. We seem, by the best accounts I have from the world, to go on just as formerly, "some to undo, and some to be undone." There is no change at all: and if we are not bettered by the sufferings of war, this peace, which, for reasons to himself best known, the author fixes as the period of our reformation, must have something very extraordinary in it; because hitherto ease, opulence, and their concomitant pleasure have never greatly disposed mankind to that serious reflection and review which the author supposes to be the result of the approaching peace with vice and crime. I believe he forms a right estimate of

the nature of this peace, and that it will want many of those circumstances which formerly characterized that state of things.

If I am right in my ideas of this new republic, the different states of peace and war will make no difference in her pursuits. It is not an enemy of accident that we have to deal with. Enmity to us, and to all civilized nations, is wrought into the very stamina of its Constitution. It was made to pursue the purposes of that fundamental enmity. The design will go on regularly in every position and in every relation. Their hostility is to break us to their dominion; their amity is to debauch us to their principles. In the former, we are to contend with their force; in the latter, with their intrigues. But we stand in a very different posture of defence in the two situations. In war, so long as government is supported, we fight with the whole united force of the kingdom. When under the name of peace the war of intrigue begins, we do not contend against our enemies with the whole force of the kingdom. No, — we shall have to fight, (if it should be a fight at all, and not an ignominious surrender of everything which has made our country venerable in our eyes and dear to our hearts,) we shall have to fight with but a portion of our strength against the whole of theirs. Gentlemen who not long since thought with us, but who now recommend a Jacobin peace, were at that time sufficiently aware of the existence of a dangerous Jacobin faction within this kingdom. Awhile ago they seemed to be tremblingly alive to the number of those who composed it, to their dark subtlety, to their fierce audacity, to their admiration of everything that passes in France, to their eager desire of a

close communication with the mother faction there. At this moment, when the question is upon the opening of that communication, not a word of our English Jacobins. That faction is put out of sight and out of thought. "It vanished at the crowing of the cock." Scarcely had the Gallic harbinger of peace and light begun to utter his lively notes, than all the cackling of us poor Tory geese to alarm the garrison of the Capitol was forgot.* There was enough of indemnity before. Now a complete act of oblivion is passed about the Jacobins of England, though one would naturally imagine it would make a principal object in all fair deliberation upon the merits of a project of amity with the Jacobins of France. But however others may choose to forget the faction, the faction does not choose to forget itself, nor, however gentlemen may choose to flatter themselves, it does not forget them.

Never, in any civil contest, has a part been taken with more of the warmth, or carried on with more of the arts of a party. The Jacobins are worse than lost to their country. Their hearts are abroad. Their sympathy with the Regicides of France is complete. Just as in a civil contest, they exult in all their victories, they are dejected and mortified in all their defeats. Nothing that the Regicides can do (and they have labored hard for the purpose) can alienate them from their cause. You and I, my dear Lord, have often observed on the spirit of their conduct. When the Jacobins of France, by their studied, deliberated, catalogued files of murders with the poniard, the sabre, and the tribunal, have shocked whatever

* Hic auratis volitans argenteus anser
Porticibus GALLOS in limine adesse canebat.

remained of human sensibility in our breasts, then it was they distinguished the resources of party policy. They did not venture directly to confront the public sentiment; for a very short time they seemed to partake of it. They began with a reluctant and sorrowful confession; they deplored the stains which tarnished the lustre of a good cause. After keeping a decent time of retirement, in a few days crept out an apology for the excesses of men cruelly irritated by the attacks of unjust power. Grown bolder, as the first feeling of mankind decayed and the color of these horrors began to fade upon the imagination, they proceeded from apology to defence. They urged, but still deplored, the absolute necessity of such a proceeding. Then they made a bolder stride, and marched from defence to recrimination. They attempted to assassinate the memory of those whose bodies their friends had massacred, and to consider their murder as a less formal act of justice. They endeavored even to debauch our pity, and to suborn it in favor of cruelty. They wept over the lot of those who were driven by the crimes of aristocrats to republican vengeance. Every pause of their cruelty they considered as a return of their natural sentiments of benignity and justice. Then they had recourse to history, and found out all the recorded cruelties that deform the annals of the world, in order that the massacres of the Regicides might pass for a common event, and even that the most merciful of princes, who suffered by their hands, should bear the iniquity of all the tyrants who have at any time infested the earth. In order to reconcile us the better to this republican tyranny, they confounded the bloodshed of war with the murders of peace;

and they computed how much greater prodigality of blood was exhibited in battles and in the storm of cities than in the frugal, well-ordered massacres of the revolutionary tribunals of France.

As to foreign powers, so long as they were conjoined with Great Britain in this contest, so long they were treated as the most abandoned tyrants, and, indeed, the basest of the human race. The moment any of them quits the cause of this government, and of all governments, he is rehabilitated, his honor is restored, all attainders are purged. The friends of Jacobins are no longer despots; the betrayers of the common cause are no longer traitors.

That you may not doubt that they look on this war as a civil war, and the Jacobins of France as of their party, and that they look upon us, though locally their countrymen, in reality as enemies, they have never failed to run a parallel between our late civil war and this war with the Jacobins of France. They justify their partiality to those Jacobins by the partiality which was shown by several here to the Colonies, and they sanction their cry for peace with the Regicides of France by some of our propositions for peace with the English in America.

This I do not mention as entering into the controversy how far they are right or wrong in this parallel, but to show that they do make it, and that they do consider themselves as of a party with the Jacobins of France. You cannot forget their constant correspondence with the Jacobins, whilst it was in their power to carry it on. When the communication is again opened, the interrupted correspondence will commence. We cannot be blind to the advantage which such a party affords to Regicide France in all

her views, — and, on the other hand, what an advantage Regicide France holds out to the views of the republican party in England. Slightly as they have considered their subject, I think this can hardly have escaped the writers of political ephemerides for any month or year. They have told us much of the amendment of the Regicides of France, and of their returning honor and generosity. Have they told anything of the reformation and of the returning loyalty of the Jacobins of England? Have they told us of *their* gradual softening towards royalty? Have they told us what measures *they* are taking for "putting the crown in commission," and what approximations of any kind *they* are making towards the old Constitution of their country? Nothing of this. The silence of these writers is dreadfully expressive. They dare not touch the subject. But it is not annihilated by their silence, nor by our indifference. It is but too plain that our Constitution cannot exist with such a communication. Our humanity, our manners, our morals, our religion, cannot stand with such a communication. The Constitution is made by those things, and for those things: without them it cannot exist; and without them it is no matter whether it exists or not.

It was an ingenious Parliamentary Christmas play, by which, in both Houses, you anticipated the holidays; it was a relaxation from your graver employment; it was a pleasant discussion you had, which part of the family of the Constitution was the elder branch, — whether one part did not exist prior to the others, and whether it might exist and flourish, if "the others were cast into the fire." * In order to

* See debates in Parliament upon motions made in both Houses

make this Saturnalian amusement general in the family, you sent it down stairs, that judges and juries might partake of the entertainment. The unfortunate antiquary and augur who is the butt of all this sport may suffer in the roistering horse-play and practical jokes of the servants' hall. But whatever may become of him, the discussion itself, and the timing it, put me in mind of what I have read, (where I do not recollect,) that the subtle nation of the Greeks were busily employed, in the Church of Santa Sophia, in a dispute of mixed natural philosophy, metaphysics, and theology, whether the light on Mount Tabor was created or uncreated, and were ready to massacre the holders of the unfashionable opinion, at the very moment when the ferocious enemy of all philosophy and religion, Mahomet the Second, entered through a breach into the capital of the Christian world. I may possibly suffer much more than Mr. Reeves (I shall certainly give much more general offence) for breaking in upon this constitutional amusement concerning the created or uncreated nature of the two Houses of Parliament, and by calling their attention to a problem which may entertain them less, but which concerns them a great deal more, — that is, whether, with this Gallic Jacobin fraternity, which they are desired by some writers to court, all the parts of the government, about whose combustible or incombustible qualities they are contending, may "not be cast into the fire" together. He is a strange visionary (but he is nothing worse) who fancies that any one part of our Constitution, whatever right of primogeniture it may claim, or whatever astrologers

for prosecuting Mr. Reeves for a libel upon the Constitution, Dec., 1795.

may divine from its horoscope, can possibly survive the others. As they have lived, so they will die, together. I must do justice to the impartiality of the Jacobins. I have not observed amongst *them* the least predilection for any of those parts. If there has been any difference in their malice, I think they have shown a worse disposition to the House of Commons than to the crown. As to the House of Lords, they do not speculate at all about it, and for reasons that are too obvious to detail.

The question will be concerning the effect of this French fraternity on the whole mass. Have we anything to apprehend from Jacobin communication, or have we not? If we have not, is it by our experience before the war that we are to presume that after the war no dangerous communion can exist between those who are well affected to the new Constitution of France and ill affected to the old Constitution here?

In conversation I have not yet found nor heard of any persons, except those who undertake to instruct the public, so unconscious of the actual state of things, or so little prescient of the future, who do not shudder all over and feel a secret horror at the approach of this communication. I do not except from this observation those who are willing, more than I find myself disposed, to submit to this fraternity. Never has it been mentioned in my hearing, or from what I can learn in my inquiry, without the suggestion of an Alien Bill, or some other measures of the same nature, as a defence against its manifest mischief. Who does not see the utter insufficiency of such a remedy, if such a remedy could be at all adopted? We expel suspected foreigners from hence; and we

suffer every Englishman to pass over into France to be initiated in all the infernal discipline of the place, to cabal and to be corrupted by every means of cabal and of corruption, and then to return to England, charged with their worst dispositions and designs. In France he is out of the reach of your police; and when he returns to England, one such English emissary is worse than a legion of French, who are either tongue-tied, or whose speech betrays them. But the worst aliens are the ambassador and his train. These you cannot expel without a proof (always difficult) of direct practice against the state. A French ambassador, at the head of a French party, is an evil which we have never experienced. The mischief is by far more visible than the remedy. But, after all, every such measure as an Alien Bill is a measure of hostility, a preparation for it, or a cause of dispute that shall bring it on. In effect, it is fundamentally contrary to a relation of amity, whose essence is a perfectly free communication. Everything done to prevent it will provoke a foreign war. Everything, when we let it proceed, will produce domestic distraction. We shall be in a perpetual dilemma. But it is easy to see which side of the dilemma will be taken. The same temper which brings us to solicit a Jacobin peace will induce us to temporize with all the evils of it. By degrees our minds will be made to our circumstances. The novelty of such things, which produces half the horror and all the disgust, will be worn off. Our ruin will be disguised in profit, and the sale of a few wretched baubles will bribe a degenerate people to barter away the most precious jewel of their souls. Our Constitution is not made for this kind of warfare. It provides greatly for our

happiness, it furnishes few means for our defence. It is formed, in a great measure, upon the principle of jealousy of the crown, — and as things stood, when it took that turn, with very great reason. I go farther: it must keep alive some part of that fire of jealousy eternally and chastely burning, or it cannot be the British Constitution. At various periods we have had tyranny in this country, more than enough. We have had rebellions with more or less justification. Some of our kings have made adulterous connections abroad, and trucked away for foreign gold the interests and glory of their crown. But, before this time, our liberty has never been corrupted. I mean to say, that it has never been debauched from its domestic relations. To this time it has been English liberty, and English liberty only. Our love of liberty and our love of our country were not distinct things. Liberty is now, it seems, put upon a larger and more liberal bottom. We are men, — and as men, undoubtedly, nothing human is foreign to us. We cannot be too liberal in our general wishes for the happiness of our kind. But in all questions on the mode of procuring it for any particular community, we ought to be fearful of admitting those who have no interest in it, or who have, perhaps, an interest against it, into the consultation. Above all, we cannot be too cautious in our communication with those who seek their happiness by other roads than those of humanity, morals, and religion, and whose liberty consists, and consists alone, in being free from those restraints which are imposed by the virtues upon the passions.

When we invite danger from a confidence in defensive measures, we ought, first of all, to be sure that

it is a species of danger against which any defensive measures that can be adopted will be sufficient. Next, we ought to know that the spirit of our laws, or that our own dispositions, which are stronger than laws, are susceptible of all those defensive measures which the occasion may require. A third consideration is, whether these measures will not bring more odium than strength to government; and the last, whether the authority that makes them, in a general corruption of manners and principles, can insure their execution. Let no one argue, from the state of things, as he sees them at present, concerning what will be the means and capacities of government, when the time arrives which shall call for remedies commensurate to enormous evils.

It is an obvious truth, that no constitution can defend itself: it must be defended by the wisdom and fortitude of men. These are what no constitution can give: they are the gifts of God; and He alone knows whether we shall possess such gifts at the time we stand in need of them. Constitutions furnish the civil means of getting at the natural: it is all that in this case they can do. But our Constitution has more impediments than helps. Its excellencies, when they come to be put to this sort of proof, may be found among its defects.

Nothing looks more awful and imposing than an ancient fortification. Its lofty, embattled walls, its bold, projecting, rounded towers, that pierce the sky, strike the imagination and promise inexpugnable strength. But they are the very things that make its weakness. You may as well think of opposing one of these old fortresses to the mass of artillery brought by a French irruption into the field as to

think of resisting by your old laws and your old forms the new destruction which the corps of Jacobin engineers of to-day prepare for all such forms and all such laws. Besides the debility and false principle of their construction to resist the present modes of attack, the fortress itself is in ruinous repair, and there is a practicable breach in every part of it.

Such is the work. But miserable works have been defended by the constancy of the garrison. Weather-beaten ships have been brought safe to port by the spirit and alertness of the crew. But it is here that we shall eminently fail. The day that, by their consent, the seat of Regicide has its place among the thrones of Europe, there is no longer a motive for zeal in their favor; it will at best be cold, unimpassioned, dejected, melancholy duty. The glory will seem all on the other side. The friends of the crown will appear, not as champions, but as victims; discountenanced, mortified, lowered, defeated, they will fall into listlessness and indifference. They will leave things to take their course, enjoy the present hour, and submit to the common fate.

Is it only an oppressive nightmare with which we have been loaded? Is it, then, all a frightful dream, and are there no regicides in the world? Have we not heard of that prodigy of a ruffian who would not suffer his benignant sovereign, with his hands tied behind him, and stripped for execution, to say one parting word to his deluded people, — of Santerre, who commanded the drums and trumpets to strike up to stifle his voice, and dragged him backward to the machine of murder? This nefarious villain (for a few days I may call him so) stands high in France, as in a republic of robbers and murderers he ought.

What hinders this monster from being sent as ambassador to convey to his Majesty the first compliments of his brethren, the Regicide Directory? They have none that can represent them more properly. I anticipate the day of his arrival. He will make his public entry into London on one of the pale horses of his brewery. As he knows that we are pleased with the Paris taste for the orders of knighthood,* he will fling a bloody sash across his shoulders, with the order of the holy guillotine surmounting the crown appendant to the riband. Thus adorned, he will proceed from Whitechapel to the further end of Pall Mall, all the music of London playing the Marseillaise Hymn before him, and escorted by a chosen detachment of the *Légion de l'Échafaud.* It were only to be wished that no ill-fated loyalist, for the imprudence of his zeal, may stand in the pillory at Charing Cross, under the statue of King Charles the First, at the time of this grand procession, lest some of the rotten eggs which the Constitutional Society shall let fly at his indiscreet head may hit the virtuous murderer of his king. They might soil the state dress which the ministers of so many crowned heads have admired, and in which Sir Clement Cotterel is to introduce him at St. James's.

If Santerre cannot be spared from the constitutional butcheries at home, Tallien may supply his place, and, in point of figure, with advantage. He has been habituated to commissions; and he is as well qualified as Santerre for this. Nero wished

* "In the costume assumed by the members of the legislative body we almost behold the revival of the extinguished insignia of knighthood," &c., &c. — See *A View of the Relative State of Great Britain and France at the Commencement of the Year* 1796.

the Roman people had but one neck. The wish of the more exalted Tallien, when he sat in judgment, was, that his sovereign had eighty-three heads, that he might send one to every one of the Departments. Tallien will make an excellent figure at Guildhall at the next Sheriff's feast. He may open the ball with my Lady Mayoress. But this will be after he has retired from the public table, and gone into the private room for the enjoyment of more social and unreserved conversation with the ministers of state and the judges of the bench. There these ministers and magistrates will hear him entertain the worthy aldermen with an instructing and pleasing narrative of the manner in which he made the rich citizens of Bordeaux squeak, and gently led them by the public credit of the guillotine to disgorge their anti-revolutionary pelf.

All this will be the display, and the town-talk, when our regicide is on a visit of ceremony. At home nothing will equal the pomp and splendor of the *Hôtel de la République.* There another scene of gaudy grandeur will be opened. When his Citizen Excellency keeps the festival, which every citizen is ordered to observe, for the glorious execution of Louis the Sixteenth, and renews his oath of detestation of kings, a grand ball of course will be given on the occasion. Then what a hurly-burly! what a crowding! what a glare of a thousand flambeaux in the square! what a clamor of footmen contending at the door! what a rattling of a thousand coaches of duchesses, countesses, and Lady Marys, choking the way, and overturning each other, in a struggle who should be first to pay her court to the *Citoyenne*, the spouse of the twenty-first husband, he

the husband of the thirty-first wife, and to hail her in the rank of honorable matrons before the four days' duration of marriage is expired! — Morals, as they were, decorum, the great outguard of the sex, and the proud sentiment of honor, which makes virtue more respectable, where it is, and conceals human frailty, where virtue may not be, will be banished from this land of propriety, modesty, and reserve.

We had before an ambassador from the most Christian King. We shall have then one, perhaps two, as lately, from the most Anti-Christian Republic. His chapel will be great and splendid, formed on the model of the Temple of Reason at Paris; while the famous ode of the infamous Chénier will be sung, and a prostitute of the street adored as a goddess. We shall then have a French ambassador without a suspicion of Popery. One good it will have: it will go some way in quieting the minds of that synod of zealous Protestant lay elders who govern Ireland on the pacific principles of polemic theology, and who now, from dread of the Pope, cannot take a cool bottle of claret, or enjoy an innocent Parliamentary job, with any tolerable quiet.

So far as to the French communication here: — what will be the effect of our communication there? We know that our new brethren, whilst they everywhere shut up the churches, increased in Paris, at one time at least fourfold, the opera-houses, the playhouses, the public shows of all kinds; and even in their state of indigence and distress, no expense was spared for their equipment and decoration. They were made an affair of state. There is no invention of seduction, never wholly wanting in that place, that has not been increased, — brothels, gaming-

houses, everything. And there is no doubt, but, when they are settled in a triumphant peace, they will carry all these arts to their utmost perfection, and cover them with every species of imposing magnificence. They have all along avowed them as a part of their policy; and whilst they corrupt young minds through pleasure, they form them to crimes. Every idea of corporal gratification is carried to the highest excess, and wooed with all the elegance that belongs to the senses. All elegance of mind and manners is banished. A theatrical, bombastic, windy phraseology of heroic virtue, blended and mingled up with a worse dissoluteness, and joined to a murderous and savage ferocity, forms the tone and idiom of their language and their manners. Any one, who attends to all their own descriptions, narratives, and dissertations, will find in that whole place more of the air of a body of assassins, banditti, housebreakers, and outlawed smugglers, joined to that of a gang of strolling players expelled from and exploded orderly theatres, with their prostitutes in a brothel, at their debauches and bacchanals, than anything of the refined and perfected virtues, or the polished, mitigated vices of a great capital.

Is it for this benefit we open "the usual relations of peace and amity"? Is it for this our youth of both sexes are to form themselves by travel? Is it for this that with expense and pains we form their lisping infant accents to the language of France? I shall be told that this abominable medley is made rather to revolt young and ingenuous minds. So it is in the description. So perhaps it may in reality to a chosen few. So it may be, when the magistrate, the law, and the church frown on such manners, and the

wretches to whom they belong, — when they are chased from the eye of day, and the society of civil life, into night-cellars and caves and woods. But when these men themselves are the magistrates, — when all the consequence, weight, and authority of a great nation adopt them, — when we see them conjoined with victory, glory, power, and dominion, and homage paid to them by every government, — it is not possible that the downhill should not be slid into, recommended by everything which has opposed it. Let it be remembered that no young man can go to any part of Europe without taking this place of pestilential contagion in his way; and whilst the less active part of the community will be debauched by this travel, whilst children are poisoned at these schools, our trade will put the finishing hand to our ruin. No factory will be settled in France, that will not become a club of complete French Jacobins. The minds of young men of that description will receive a taint in their religion, their morals, and their politics, which they will in a short time communicate to the whole kingdom.

Whilst everything prepares the body to debauch and the mind to crime, a regular church of avowed atheism, established by law, with a direct and sanguinary persecution of Christianity, is formed to prevent all amendment and remorse. Conscience is formally deposed from its dominion over the mind. What fills the measure of horror is, that schools of atheism are set up at the public charge in every part of the country. That some English parents will be wicked enough to send their children to such schools there is no doubt. Better this island should be sunk to the bottom of the sea than that (so far as human

infirmity admits) it should not be a country of religion and morals!

With all these causes of corruption, we may well judge what the general fashion of mind will be through both sexes and all conditions. Such spectacles and such examples will overbear all the laws that ever blackened the cumbrous volumes of our statutes. When royalty shall have disavowed itself, — when it shall have relaxed all the principles of its own support, — when it has rendered the system of Regicide fashionable, and received it as triumphant, in the very persons who have consolidated that system by the perpetration of every crime, who have not only massacred the prince, but the very laws and magistrates which were the support of royalty, and slaughtered with an indiscriminate proscription, without regard to either sex or age, every person that was suspected of an inclination to king, law, or magistracy, — I say, will any one dare to be loyal? Will any one presume, against both authority and opinion, to hold up this unfashionable, antiquated, exploded Constitution?

The Jacobin faction in England must grow in strength and audacity; it will be supported by other intrigues and supplied by other resources than yet we have seen in action. Confounded at its growth, the government may fly to Parliament for its support. But who will answer for the temper of a House of Commons elected under these circumstances? Who will answer for the courage of a House of Commons to arm the crown with the extraordinary powers that it may demand? But the ministers will not venture to ask half of what they know they want. They will lose half of that half

in the contest; and when they have obtained their nothing, they will be driven by the cries of faction either to demolish the feeble works they have thrown up in a hurry, or, in effect, to abandon them. As to the House of Lords, it is not worth mentioning. The peers ought naturally to be the pillars of the crown; but when their titles are rendered contemptible, and their property invidious, and a part of their weakness, and not of their strength, they will be found so many degraded and trembling individuals, who will seek by evasion to put off the evil day of their ruin. Both Houses will be in perpetual oscillation between abortive attempts at energy and still more unsuccessful attempts at compromise. You will be impatient of your disease, and abhorrent of your remedy. A spirit of subterfuge and a tone of apology will enter into all your proceedings, whether of law or legislation. Your judges, who now sustain so masculine an authority, will appear more on their trial than the culprits they have before them. The awful frown of criminal justice will be smoothed into the silly smile of seduction. Judges will think to insinuate and soothe the accused into conviction and condemnation, and to wheedle to the gallows the most artful of all delinquents. But they will not be so wheedled. They will not submit even to the appearance of persons on their trial. Their claim to this exemption will be admitted. The place in which some of the greatest names which ever distinguished the history of this country have stood will appear beneath their dignity. The criminal will climb from the dock to the side-bar, and take his place and his tea with the counsel. From the bar of the counsel, by a natural progress, he will as-

cend to the bench, which long before had been virtually abandoned. They who escape from justice will not suffer a question upon reputation. They will take the crown of the causeway; they will be revered as martyrs; they will triumph as conquerors. Nobody will dare to censure that popular part of the tribunal whose only restraint on misjudgment is the censure of the public. They who find fault with the decision will be represented as enemies to the institution. Juries that convict for the crown will be loaded with obloquy. The juries who acquit will be held up as models of justice. If Parliament orders a prosecution, and fails, (as fail it will,) it will be treated to its face as guilty of a conspiracy maliciously to prosecute. Its care in discovering a conspiracy against the state will be treated as a forged plot to destroy the liberty of the subject: every such discovery, instead of strengthening government, will weaken its reputation.

In this state things will be suffered to proceed, lest measures of vigor should precipitate a crisis. The timid will act thus from character, the wise from necessity. Our laws had done all that the old condition of things dictated to render our judges erect and independent; but they will naturally fail on the side upon which they had taken no precautions. The judicial magistrates will find themselves safe as against the crown, whose will is not their tenure; the power of executing their office will be held at the pleasure of those who deal out fame or abuse as they think fit. They will begin rather to consult their own repose and their own popularity than the critical and perilous trust that is in their hands. They will speculate on consequences, when they see at court an ambassa-

dor whose robes are lined with a scarlet dyed in the blood of judges. It is no wonder, nor are they to blame, when they are to consider how they shall answer for their conduct to the criminal of to-day turned into the magistrate of to-morrow.

The press ———

The army ———

When thus the helm of justice is abandoned, an universal abandonment of all other posts will succeed. Government will be for a while the sport of contending factions, who, whilst they fight with one another, will all strike at her. She will be buffeted and beat forward and backward by the conflict of those billows, until at length, tumbling from the Gallic coast, the victorious tenth wave shall ride, like the bore, over all the rest, and poop the shattered, weather-beaten, leaky, water-logged vessel, and sink her to the bottom of the abyss.

Among other miserable remedies that have been found in the *materia medica* of the old college, a change of ministry will be proposed, and probably will take place. They who go out can never long with zeal and good-will support government in the hands of those they hate. In a situation of fatal dependence on popularity, and without one aid from the little remaining power of the crown, it is not to be expected that they will take on them that odium which more or less attaches upon every exertion of strong power. The ministers of popularity will lose all their credit at a stroke, if they pursue any of those means necessary to give life, vigor, and consistence to government. They will be considered as venal wretches, apostates, recreant to all their own principles, acts, and declarations. They cannot preserve their credit,

but by betraying that authority of which they are the guardians.

To be sure, no prognosticating symptoms of these things have as yet appeared, — nothing even resembling their beginnings. May they never appear! May these prognostications of the author be justly laughed at and speedily forgotten! If nothing as yet to cause them has discovered itself, let us consider, in the author's excuse, that we have not yet seen a Jacobin legation in England. The natural, declared, sworn ally of sedition has not yet fixed its head-quarters in London.

There never was a political contest, upon better or worse grounds, that by the heat of party-spirit may not ripen into civil confusion. If ever a party adverse to the crown should be in a condition here publicly to declare itself, and to divide, however unequally, the natural force of the kingdom, they are sure of an aid of fifty thousand men, at ten days' warning, from the opposite coast of France. But against this infusion of a foreign force the crown has its guaranties, old and new. But I should be glad to hear something said of the assistance which loyal subjects in France have received from other powers in support of that lawful government which secured their lawful property. I should be glad to know, if they are so disposed to a neighborly, provident, and sympathetic attention to their public engagements, by what means they are to come at us. Is it from the powerful states of Holland we are to reclaim our guaranty? Is it from the King of Prussia, and his steady good affections, and his powerful navy, that we are to look for the guaranty of our security? Is it from the Netherlands, which the French may cover

with the swarms of their citizen-soldiers in twenty-four hours, that we are to look for this assistance? This is to suppose, too, that all these powers have no views offensive or necessities defensive of their own. They will cut out work for one another, and France will cut out work for them all.

That the Christian religion cannot exist in this country with such a fraternity will not, I think, be disputed with me. On that religion, according to our mode, all our laws and institutions stand, as upon their base. That scheme is supposed in every transaction of life; and if that were done away, everything else, as in France, must be changed along with it. Thus, religion perishing, and with it this Constitution, it is a matter of endless meditation what order of things would follow it. But what disorder would fill the space between the present and that which is to come, in the gross, is no matter of doubtful conjecture. It is a great evil, that of a civil war. But, in that state of things, a civil war, which would give to good men and a good cause some means of struggle, is a blessing of comparison that England will not enjoy. The moment the struggle begins, it ends. They talk of Mr. Hume's euthanasia of the British Constitution gently expiring, without a groan, in the paternal arms of a mere monarchy. In a monarchy! — fine trifling indeed! — there is no such euthanasia for the British Constitution.

. . . . .

The manuscript copy of this Letter ends here.

A

LETTER

TO

THE EMPRESS OF RUSSIA.

NOVEMBER 1, 1791.

LETTER.

MADAM,—The Comte de Woronzow, your Imperial Majesty's minister, and Mr. Fawkener, have informed me of the very gracious manner in which your Imperial Majesty, and, after your example, the Archduke and Archduchess, have condescended to accept my humble endeavors in the service of that cause which connects the rights and duties of sovereigns with the true interest and happiness of their people.

If, confiding in titles derived from your own goodness, I venture to address directly to your Imperial Majesty the expressions of my gratitude for so distinguished an honor, I hope it will not be thought a presumptuous intrusion. I hope, too, that the willing homage I pay to the high and ruling virtues which distinguish your Imperial Majesty, and which form the felicity of so large a part of the world, will not be looked upon as the language of adulation to power and greatness. In my humble situation, I can behold majesty in its splendor without being dazzled, and I am capable of respecting it in its fall.

It is, Madam, from my strong sense of what is due to dignity in undeserved misfortune, that I am led to felicitate your Imperial Majesty on the use you have lately made of your power. The princes and nobility of France, who from honor and duty, from blood and from principle, are attached to that un-

happy crown, have experienced your favor and countenance; and there is no doubt that they will finally enjoy the full benefit of your protection. The generosity of your Imperial Majesty has induced you to take an interest in their cause; and your sagacity has made you perceive that in the case of the sovereign of France the cause of all sovereigns is tried, — that in the case of its church, the cause of all churches, — and that in the case of its nobility is tried the cause of all the respectable orders of all society, and even of society itself.

Your Imperial Majesty has sent your minister to reside where the crown of France, in this disastrous eclipse of royalty, can alone truly and freely be represented, that is, in its royal blood, — where alone the nation can be represented, that is, in its natural and inherent dignity. A throne cannot be represented by a prison. The honor of a nation cannot be represented by an assembly which disgraces and degrades it: at Coblentz only the king and the nation of France are to be found.

Your Imperial Majesty, who reigns and lives for glory, has nobly and wisely disdained to associate your crown with a faction which has for its object the subversion of all thrones.

You have not recognized this universal public enemy as a part of the system of Europe. You have refused to sully the lustre of your empire by any communion with a body of fanatical usurpers and tyrants, drawn out of the dregs of society, and exalted to their evil eminence by the enormity of their crimes, — an assemblage of tyrants, wholly destitute of any distinguished qualification in a single person amongst them, that can command reverence from our

reason, or seduce it from our prejudices. These enemies of sovereigns, if at all acknowledged, must be acknowledged on account of that enmity alone: they have nothing else to recommend them.

Madam, it is dangerous to praise any human virtue before the accomplishment of the tasks which it imposes on itself. But in expressing my part of what I hope is, or will become, the general voice, in admi ration of what you have done, I run no risk at all. With your Imperial Majesty, declaration and execution, beginning and conclusion, are, at their different seasons, one and the same thing.

On the faith and declaration of some of the first potentates of Europe, several thousands of persons, comprehending the best men and the best gentlemen in France, have given up their country, their houses, their fortunes, their professional situation, their all, and are now in foreign lands, struggling under the most grievous distresses. Whatever appearances may menace, nobody fears that they can be finally abandoned. Such a dereliction could not be without a strong imputation on the public and private honor of sovereignty itself, nor without an irreparable injury to its interests. It would give occasion to represent monarchs as natural enemies to each other, and that they never support or countenance any subjects of a brother prince, except when they rebel against him. We individuals, mere spectators of the scene, but who seek our liberties under the shade of legal authority, and of course sympathize with the sufferers in that cause, never can permit ourselves to believe that such an event can disgrace the history of our time. The only thing to be feared is delay, in which are included many mischiefs. The constancy

of the oppressed will be broken; the power of tyrants will be confirmed. Already the multitude of French officers, drawn from their several corps by hopes inspired by the freely declared disposition of sovereigns, have left all the posts in which they might one day have effectually served the good cause abandoned to the enemy.

Your Imperial Majesty's just influence, which is still greater than your extensive power, will animate and expedite the efforts of other sovereigns. From your wisdom other states will learn that they who wait until all the powers of Europe are at once in motion can never move at all. It would add to the unexampled calamities of our time, if the uncommon union of sentiment in so many powers should prove the very cause of defeating the benefit which ought to flow from their general good disposition. No sovereign can run any risk from the designs of other powers, whilst engaged in this glorious and necessary work. If any attempt could be feared, your Imperial Majesty's power and justice would secure your allies against all danger. Madam, your glory will be complete, if, after having given peace to Europe by your moderation, you shall bestow stability on all its governments by your vigor and decision. The debt which your Imperial Majesty's august predecessors have contracted to the ancient manners of Europe, by means of which they civilized a vast empire, will be nobly repaid by preserving those manners from the hideous change with which they are now menaced. By the intervention of Russia the world will be preserved from barbarism and ruin.

A private individual, of a remote country, in himself wholly without importance, unauthorized and

unconnected, not as an English subject, but as a citizen of the world, presumes to submit his thoughts to one of the greatest and wisest sovereigns that Europe has seen. He does it without fear, because he does not involve in his weakness (if such it is) his king, his country, or his friends. He is not afraid that he shall offend your Imperial Majesty,—because, secure in itself, true greatness is always accessible, and because respectfully to speak what we conceive to be truth is the best homage which can be paid to true dignity.

I am, Madam, with the utmost possible respect and veneration,

Your Imperial Majesty's

Most obedient and most humble servant,

EDM. BURKE.

BEACONSFIELD, November 1st, 1791.

A

LETTER

TO

SIR CHARLES BINGHAM, BART.,

ON THE

IRISH ABSENTEE TAX.

OCTOBER 30, 1773.

NOTE.

FROM authentic documents found with the copy of this Letter among Mr. Burke's papers, it appears that in the year 1773 a project of imposing a tax upon all proprietors of landed estates in Ireland, whose ordinary residence should be in Great Britain, had been adopted and avowed by his Majesty's ministers at that time. A remonstrance against this measure, as highly unjust and impolitic, was presented to the ministers by several of the principal Irish absentees, and the project was subsequently abandoned.

LETTER.

DEAR SIR, — I am much flattered by your very obliging letter, and the rather because it promises an opening to our future correspondence. This may be my only indemnification for very great losses. One of the most odious parts of the proposed Absentee Tax is its tendency to separate friends, and to make as ugly breaches in private society as it must make in the unity of the greal political body. I am sure that much of the satisfaction of some circles in London will be lost by it. Do you think that our friend Mrs. Vesey will suffer her husband to vote for a tax that is to destroy the evenings at Bolton Row? I trust we shall have other supporters of the same sex, equally powerful, and equally deserving to be so, who will not abandon the common cause of their own liberties and our satisfactions. We shall be barbarized on both sides of the water, if we do not see one another now and then. *We* shall sink into surly, brutish Johns, and *you* will degenerate into wild Irish. It is impossible that we should be the wiser or the more agreeable, certainly we shall not love one another the better, for this forced separation, which our ministers, who have already done so much for the dissolution of every other sort of good connection, are now meditating for the further improvement of this too well united empire. Their next step will be to encourage all the colonies,

about thirty separate governments, to keep their people from all intercourse with each other and with the mother country. A gentleman of New York or Barbadoes will be as much gazed at as a strange animal from Nova Zembla or Otaheite; and those rogues, the travellers, will tell us what stories they please about poor old Ireland.

In all seriousness, (though I am a great deal more than half serious in what I have been saying,) I look upon this projected tax in a very evil light; I think it is not advisable; I am sure it is not necessary; and as it is not a mere matter of finance, but involves a political question of much importance, I consider the principle and precedent as far worse than the thing itself. You are too kind in imagining I can suggest anything new upon the subject. The objections to it are very glaring, and must strike the eyes of all those who have not their reasons for shutting them against evident truth. I have no feelings or opinions on this subject which I do not partake with all the sensible and informed people that I meet with. At first I could scarcely meet with any one who could believe that this scheme originated from the English government. They considered it not only as absurd, but as something monstrous and unnatural. In the first instance, it strikes at the power of this country; in the end, at the union of the whole empire. I do not mean to express, most certainly I do not entertain in my mind, anything invidious concerning the superintending authority of Great Britain. But if it be true that the several bodies which make up this complicated mass are to be preserved as one empire, an authority sufficient to preserve that unity, and by its equal weight and pressure

to consolidate the various parts that compose it, must reside somewhere: that somewhere can only be in England. Possibly any one member, distinctly taken, might decide in favor of that residence within itself; but certainly no member would give its voice for any other except this. So that I look upon the residence of the supreme power to be settled here: not by force, or tyranny, or even by mere long usage, but by the very nature of things, and the joint consent of the whole body.

If all this be admitted, then without question this country must have the sole right to the imperial legislation: by which I mean that law which regulates the polity and economy of the several parts, as they relate to one another and to the whole. But if any of the parts, which (not for oppression, but for order) are placed in a subordinate situation, will assume to themselves the power of hindering or checking the resort of their municipal subjects to the centre, or even to any other part of the empire, they arrogate to themselves the imperial rights, which do not, which cannot, belong to them, and, so far as in them lies, destroy the happy arrangement of the entire empire.

A free communication by *discretionary residence* is necessary to all the other purposes of communication. For what purpose are the Irish and Plantation laws sent hither, but as means of preserving this sovereign constitution? Whether such a constitution was originally right or wrong this is not the time of day to dispute. If any evils arise from it, let us not strip it of what may be useful in it. By taking the English Privy Council into your legislature, you obtain a new, a further, and possibly a more liberal con-

sideration of all your acts. If a local legislature shall by oblique means tend to deprive any of the people of this benefit, and shall make it penal to them to follow into England the laws which may affect them, then the English Privy Council will have to decide upon your acts without those lights that may enable them to judge upon what grounds you made them, or how far they ought to be modified, received, or rejected.

To what end is the ultimate appeal in judicature lodged in this kingdom, if men may be disabled from following their suits here, and may be taxed into an absolute *denial of justice?* You observe, my dear Sir, that I do not assert that in all cases two shillings will necessarily cut off this means of correcting legislative and judicial mistakes, and thus amount to a denial of justice. I might, indeed, state cases in which this very quantum of tax would be fully sufficient to defeat this right. But I argue not on the case, but on the principle, and I am sure the principle implies it. They who may restrain may prohibit; they who may impose two shillings may impose ten shillings in the pound; and those who may condition the tax to six months' annual absence may carry that condition to six weeks, or even to six days, and thereby totally defeat the wise means which have been provided for extensive and impartial justice, and for orderly, well-poised, and well-connected government.

What is taxing the resort to and residence in any place, but declaring that your connection with that place is a grievance? Is not such an Irish tax as is now proposed a virtual declaration that England is a foreign country, and a renunciation on your part of the principle of *common naturalization*, which runs through this whole empire?

Do you, or does any Irish gentleman, think it a mean privilege, that, the moment he sets his foot upon this ground, he is to all intents and purposes an Englishman? You will not be pleased with a law which by its operation tends to disqualify you from a seat in this Parliament; and if your own virtue or fortune, or if that of your children, should carry you or them to it, should you like to be excluded from the possibility of a peerage in this kingdom? If in Ireland we lay it down as a maxim, that a residence in Great Britain is a political evil, and to be discouraged by penal taxes, you must necessarily reject all the privileges and benefits which are connected with such a residence.

I can easily conceive that a citizen of Dublin, who looks no further than his counter, may think that Ireland will be repaid for such a loss by any small diminution of taxes, or any increase in the circulation of money that may be laid out in the purchase of claret or groceries in his corporation. In such a man an error of that kind, as it would be natural, would be excusable. But I cannot think that any educated man, any man who looks with an enlightened eye on the interest of Ireland, can believe that it is not highly for the advantage of Ireland, that this Parliament, which, whether right or wrong, whether we will or not, will make some laws to bind Ireland, should always have in it some persons who by connection, by property, or by early prepossessions and affections, are attached to the welfare of that country. I am so clear upon this point, not only from the clear reason of the thing, but from the constant course of my observation, by now having sat eight sessions in Parliament, that I declare it to you as my

sincere opinion, that (if you must do either the one or the other) it would be wiser by far, and far better for Ireland, that some new privileges should attend the estates of Irishmen, members of the two Houses here, than that their characters should be stained by penal impositions, and their properties loaded by unequal and unheard-of modes of taxation. I do really trust, that, when the matter comes a little to be considered, a majority of our gentlemen will never consent to establish such a principle of disqualification against themselves and their posterity, and, for the sake of gratifying the schemes of a transitory administration of the cockpit or the castle, or in compliance with the lightest part of the most vulgar and transient popularity, fix so irreparable an injury on the permanent interest of their country.

This law seems, therefore, to me to go directly against the fundamental points of the legislative and judicial constitution of these kingdoms, and against the happy communion of their privileges. But there is another matter in the tax proposed, that contradicts as essentially a very great principle necessary for preserving the union of the various parts of a state; because it does, in effect, discountenance mutual intermarriage and inheritance, things that bind countries more closely together than any laws or constitutions whatsoever. Is it right that a woman who marries into Ireland, and perhaps well purchases her jointure or her dower there, should not after her husband's death have it in her choice to return to her country and her friends without being taxed for it? If an Irish heiress should marry into an English family, and that great property in both countries should thereby come to be united in this common

issue, shall the descendant of that marriage abandon his natural connection, his family interests, his public and his private duties, and be compelled to take up his residence in Ireland? Is there any sense or any justice in it, unless you affirm that there should be no such intermarriage and no such mutual inheritance between the natives? Is there a shadow of reason, that, because a Lord Rockingham, a Duke of Devonshire, a Sir George Savile, possess property in Ireland, which has descended to them without any act of theirs, they should abandon their duty in Parliament, and spend the winters in Dublin? or, having spent the session in Westminster, must they abandon their seats and all their family interests in Yorkshire and Derbyshire, and pass the rest of the year in Wicklow, in Cork, or Tyrone?

See what the consequence must be from a municipal legislature considering itself as an unconnected body, and attempting to enforce a partial residence. A man may have property in more parts than two of this empire. He may have property in Jamaica and in North America, as well as in England and Ireland. I know some that have property in all of them. What shall we say to this case? After the poor distracted citizen of the whole empire has, in compliance with your partial law, removed his family, bid adieu to his connections, and settled himself quietly and snug in a pretty box by the Liffey, he hears that the Parliament of Great Britain is of opinion that all English estates ought to be spent in England, and that they will tax him double, if he does not return. Suppose him then (if the nature of the two laws will permit it) providing a flying camp, and dividing his year as well as he can between

England and Ireland, and at the charge of two town-houses and two country-houses in both kingdoms; in this situation he receives an account, that a law is transmitted from Jamaica, and another from Pennsylvania, to tax absentees from these provinces, which are impoverished by the European residence of the possessors of their lands. How is he to escape this *ricochet* cross-firing of so many opposite batteries of police and regulation? If he attempts to comply, he is likely to be more a citizen of the Atlantic Ocean and the Irish Sea than of any of these countries. The matter is absurd and ridiculous, and, while ever the idea of mutual marriages, inheritances, purchases, and privileges subsist, can never be carried into execution with common sense or common justice.

I do not know how gentlemen of Ireland reconcile such an idea to their own liberties, or to the natural use and enjoyment of their estates. If any of their children should be left in a minority, and a guardian should think, as many do, (it matters not whether properly or no,) that his ward had better be educated in a school or university here than in Ireland, is he sure that he can justify the bringing a tax of ten per cent, perhaps twenty, on his pupil's estate, by giving what in his opinion is the best education in general, or the best for that pupil's particular character and circumstances? Can he justify his sending him to travel, a necessary part of the higher style of education, and, notwithstanding what some narrow writers have said, of great benefit to all countries, but very particularly so to Ireland? Suppose a guardian, under the authority or pretence of such a tax of police, had prevented our dear friend, Lord Charlemont, from going abroad, would he have lost no

satisfaction? would his friends have lost nothing in the companion? would his country have lost nothing in the cultivated taste with which he has adorned it in so many ways? His natural elegance of mind would undoubtedly do a great deal; but I will venture to assert, without the danger of being contradicted, that he adorns his present residence in Ireland much the more for having resided a long time out of it. Will Mr. Flood himself think he ought to have been driven by taxes into Ireland, whilst he prepared himself by an English education to understand and to defend the rights of the subject in Ireland, or to support the dignity of government there, according as his opinions, or the situation of things, may lead him to take either part, upon respectable principles? I hope it is not forgot that an Irish act of Parliament sends its youth to England for the study of the law, and compels a residence in the inns of court here for some years. Will you send out with one breath and recall with another? This act plainly provides for that intercourse which supposes the strictest union in laws and policy, in both which the intended tax supposes an entire separation.

It would be endless to go into all the inconveniences this tax will lead to, in the conduct of private life, and the use of property. How many infirm people are obliged to change their climate, whose life depends upon that change! How many families straitened in their circumstances are there, who, from the shame, sometimes from the utter impossibility otherwise of retrenching, are obliged to remove from their country, in order to preserve their estates in their families! You begin, then, to burden these people precisely at the time when their circumstances

of health and fortune render them rather objects of relief and commiseration.

I know very well that a great proportion of the money of every subordinate country will flow towards the metropolis. This is unavoidable. Other inconveniences, too, will result to particular parts: and why? Why, because they are particular parts, — each a member of a greater, and not an whole within itself. But those members are to consider whether these inconveniences are not fully balanced, perhaps more than balanced, by the united strength of a great and compact body. I am sensible, too, of a difficulty that will be started against the application of some of the principles which I reason upon to the case of Ireland. It will be said, that Ireland, in many particulars, is not bound to consider itself as a part of the British body; because this country, in many instances, is mistaken enough to treat you as foreigners, and draws away your money by absentees, without suffering you to enjoy your natural advantages in trade and commerce. No man living loves restrictive regulations of any kind less than myself; at best, nine times in ten, they are little better than laborious and vexatious follies. Often, as in your case, they are great oppressions, as well as great absurdities. But still an injury is not always a reason for retaliation; nor is the folly of others with regard to us a reason for imitating it with regard to them. Before we attempt to retort, we ought to consider whether we may not injure ourselves even more than our adversary; since, in the contest who shall go the greatest length in absurdity, the victor is generally the greatest sufferer. Besides, when there is an unfortunate emulation in restraints and

oppressions, the question of *strength* is of the highest importance. It little becomes the feeble to be unjust. Justice is the shield of the weak; and when they choose to lay this down, and fight naked in the contest of mere power, the event will be what must be expected from such imprudence.

I ought to beg your pardon for running into this length. You want no arguments to convince you on this subject, and you want no resources of matter to convince others. I ought, too, to ask pardon for having delayed my answer so long; but I received your letter on Tuesday, in town, and I was obliged to come to the country on business. From the country I write at present; but this day I shall go to town again. I shall see Lord Rockingham, who has spared neither time nor trouble in making a vigorous opposition to this inconsiderate measure. I hope to be able to send you the papers which will give you information of the steps he has taken. He has pursued this business with the foresight, diligence, and good sense with which he generally resists unconstitutional attempts of government. A life of disinterestedness, generosity, and public spirit are his titles to have it believed that the effect which the tax may have upon his private property is not the sole nor the principal motive to his exertions. I know he is of opinion that the opposition in Ireland ought to be carried on with that spirit as if no aid was expected from this country, and here as if nothing would be done in Ireland: many things have been lost by not acting in this manner.

I am told that you are not likely to be alone in the generous stand you are to make against this unnatural monster of court popularity. It is said, Mr. Hus-

sey, who is so very considerable at present, and who is everything in expectation, will give you his assistance. I rejoice to see (that very rare spectacle) a good mind, a great genius, and public activity united together, and united so early in life. By not running into every popular humor, he may depend upon it, the popularity of his character will wear the better.

> Non ponebat enim rumores ante salutem;
> Ergo postque magisque viri nunc gloria claret.

Adieu, my dear Sir. Give my best respects to Lady Bingham; and believe me, with great truth and esteem,

Your most obedient and most humble servant,

EDM. BURKE.

BEACONSFIELD, 30th October, 1773.

TO SIR CHARLES BINGHAM.

A

LETTER

TO

THE HON. CHARLES JAMES FOX,

ON THE AMERICAN WAR.

OCTOBER 8, 1777.

LETTER.

MY DEAR CHARLES,—I am, on many accounts, exceedingly pleased with your journey to Ireland. I do not think it was possible to dispose better of the interval between this and the meeting of Parliament. I told you as much, in the same general terms, by the post. My opinion of the infidelity of that conveyance hindered me from being particular. I now sit down with malice prepense to kill you with a very long letter, and must take my chance for some safe method of conveying the dose. Before I say anything to you of the place you are in, or the business of it, on which, by the way, a great deal might be said, I will turn myself to the concluding part of your letter from Chatsworth.

You are sensible that I do not differ from you in many things; and most certainly I do not dissent from the main of your doctrine concerning the heresy of depending upon contingencies. You must recollect how uniform my sentiments have been on that subject. I have ever wished a settled plan of our own, founded in the very essence of the American business, wholly unconnected with the events of the war, and framed in such a manner as to keep up our credit and maintain our system at home, in spite of anything which may happen abroad. I am now convinced, by a long and somewhat vexatious experience, that such a plan is absolutely imprac-

ticable. I think with you, that some faults in the constitution of those whom we must love and trust are among the causes of this impracticability; they are faults, too, that one can hardly wish them perfectly cured of, as I am afraid they are intimately connected with honest, disinterested intentions, plentiful fortunes, assured rank, and quiet homes. A great deal of activity and enterprise can scarcely ever be expected from such men, unless some horrible calamity is just over their heads, or unless they suffer some gross personal insults from power, the resentment of which may be as unquiet and stimulating a principle in their minds as ambition is in those of a different complexion. To say the truth, I cannot greatly blame them. We live at a time when men are not repaid in fame for what they sacrifice in interest or repose.

On the whole, when I consider of what discordant, and particularly of what fleeting materials the opposition has been all along composed, and at the same time review what Lord Rockingham has done, with that and with his own shattered constitution, for these last twelve years, I confess I am rather surprised that he has done so much and persevered so long, than that he has felt now and then some cold fits, and that he grows somewhat languid and desponding at last. I know that he, and those who are much prevalent with him, though they are not thought so much devoted to popularity as others, do very much look to the people, and more than I think is wise in them, who do so little to guide and direct the public opinion. Without this they act, indeed; but they act as it were from compulsion, and because it is impossible, in their situation, to avoid

taking some part. All this it is impossible to change, and to no purpose to complain of.

As to that popular humor which is the medium we float in, if I can discern anything at all of its present state, it is far worse than I have ever known or could ever imagine it. The faults of the people are not popular vices; at least, they are not such as grow out of what we used to take to be the English temper and character. The greatest number have a sort of an heavy, lumpish acquiescence in government, without much respect or esteem for those that compose it. I really cannot avoid making some very unpleasant prognostics from this disposition of the people. I think that many of the symptoms must have struck you: I will mention one or two that are to me very remarkable. You must know that at Bristol we grow, as an election interest, and even as a party interest, rather stronger than we were when I was chosen. We have just now a majority in the corporation. In this state of matters, what, think you, have they done? They have voted their freedom to Lord Sandwich and Lord Suffolk! — to the first, at the very moment when the American privateers were domineering in the Irish Sea, and taking the Bristol traders in the Bristol Channel; — to the latter, when his remonstrances on the subject of captures were the jest of Paris and of Europe. This fine step was taken, it seems, in honor of the zeal of these two profound statesmen in the prosecution of John the Painter: so totally negligent are they of everything essential, and so long and so deeply affected with trash the most low and contemptible; just as if they thought the merit of Sir John Fielding was the most shining point in the character of great min-

isters, in the most critical of all times, and, of all others, the most deeply interesting to the commercial world! My best friends in the corporation had no other doubts on the occasion than whether it did not belong to me, by right of my representative capacity, to be the bearer of this auspicious compliment. In addition to this, if it could receive any addition, they now employ me to solicit, as a favor of no small magnitude, that, after the example of Newcastle, they may be suffered to arm vessels for their own defence in the Channel. Their memorial, under the seal of Merchants' Hall, is now lying on the table before me. Not a soul has the least sensibility, on finding themselves, now for the first time, obliged to act as if the community were dissolved, and, after enormous payments towards the common protection, each part was to defend itself, as if it were a separate state.

I don't mention Bristol as if that were the part furthest gone in this mortification. Far from it: I know that there is, rather, a little more life in us than in any other place. In Liverpool they are literally almost ruined by this American war; but they love it as they suffer from it. In short, from whatever I see, and from whatever quarter I hear, I am convinced that everything that is not absolute stagnation is evidently a party-spirit very adverse to our politics, and to the principles from whence they arise. There are manifest marks of the resurrection of the Tory party. They no longer criticize, as all disengaged people in the world will, on the acts of government; but they are silent under every evil, and hide and cover up every ministerial blunder and misfortune, with the officious zeal of men who think they have a

party of their own to support in power. The Tories do universally think their power and consequence involved in the success of this American business. The clergy are astonishingly warm in it; and what the Tories are, when embodied and united with their natural head, the crown, and animated by their clergy, no man knows better than yourself. As to the Whigs, I think them far from extinct. They are, what they always were, (except by the able use of opportunities,) by far the weakest party in this country. They have not yet learned the application of their principles to the present state of things; and as to the Dissenters, the main effective part of the Whig strength, they are, to use a favorite expression of our American campaign style, "not all in force." They will do very little, and, as far as I can discern, are rather intimidated than provoked at the denunciations of the court in the Archbishop of York's sermon. I thought that sermon rather imprudent, when I first saw it; but it seems to have done its business.

In this temper of the people, I do not wholly wonder that our Northern friends look a little towards events. In war, particularly, I am afraid it must be so. There is something so weighty and decisive in the events of war, something that so completely overpowers the imagination of the vulgar, that all counsels must in a great degree be subordinate to and attendant on them. I am sure it was so in the last war, very eminently. So that, on the whole, what with the temper of the people, the temper of our own friends, and the domineering necessities of war, we must quietly give up all ideas of any settled, preconcerted plan. We shall be lucky enough, if, keeping ourselves attentive and alert, we can contrive to profit

of the occasions as they arise: though I am sensible that those who are best provided with a general scheme are fittest to take advantage of all contingencies. However, to act with any people with the least degree of comfort, I believe we must contrive a little to assimilate to their character. We must gravitate towards them, if we would keep in the same system, or expect that they should approach towards us. They are, indeed, worthy of much concession and management. I am quite convinced that they are the honestest public men that ever appeared in this country, and I am sure that they are the wisest, by far, of those who appear in it at present. None of those who are continually complaining of them, but are themselves just as chargeable with all their faults, and have a decent stock of their own into the bargain. They (our friends) are, I admit, as you very truly represent them, but indifferently qualified for storming a citadel. After all, God knows whether this citadel is to be stormed by them, or by anybody else, by the means they use, or by any means. I know that as they are, abstractedly speaking, to blame, so there are those who cry out against them for it, not with a friendly complaint, as we do, but with the bitterness of enemies. But I know, too, that those who blame them for want of enterprise have shown no activity at all against the common enemy: all their skill and all their spirit have been shown only in weakening, dividing, and indeed destroying their allies. What they are and what we are is now pretty evidently experienced; and it is certain, that, partly by our common faults, but much more by the difficulties of our situation, and some circumstances of unavoidable misfortune,

we are in little better than a sort of *cul-de-sac*. For my part, I do all I can to give ease to my mind in this strange position. I remember, some years ago, when I was pressing some points with great eagerness and anxiety, and complaining with great vexation to the Duke of Richmond of the little progress I make, he told me kindly, and I believe very truly, that, though he was far from thinking so himself, other people could not be persuaded I had not some latent private interest in pushing these matters, which I urged with an earnestness so extreme, and so much approaching to passion. He was certainly in the right. I am thoroughly resolved to give, both to myself and to my friends, less vexation on these subjects than hitherto I have done, — much less, indeed.

If *you* should grow too earnest, you will be still more inexcusable than I was. Your having entered into affairs so much younger ought to make them too familiar to you to be the cause of much agitation, and you have much more before you for your work. Do not be in haste. Lay your foundations deep in public opinion. Though (as you are sensible) I have never given you the least hint of advice about joining yourself in a declared connection with our party, nor do I now, yet, as I love that party very well, and am clear that you are better able to serve them than any man I know, I wish that things should be so kept as to leave you mutually very open to one an other in all changes and contingencies; and I wish this the rather, because, in order to be very great, as I am anxious that you should be, (always presuming that you are disposed to make a good use of power,) you will certainly want some better support than

merely that of the crown. For I much doubt, whether, with all your parts, you are the man formed for acquiring real interior favor in this court, or in any; I therefore wish you a firm ground in the country; and I do not know so firm and so sound a bottom to build on as our party. — Well, I have done with this matter; and you think I ought to have finished it long ago. Now I turn to Ireland.

Observe, that I have not heard a word of any news relative to it, from thence or from London; so that I am only going to state to you my conjectures as to facts, and to speculate again on these conjectures. I have a strong notion that the lateness of our meeting is owing to the previous arrangements intended in Ireland. I suspect they mean that Ireland should take a sort of lead, and act an efficient part in this war, both with men and money. It will sound well, when we meet, to tell us of the active zeal and loyalty of the people of Ireland, and contrast it with the rebellious spirit of America. It will be a popular topic, — the perfect confidence of Ireland in the power of the British Parliament. From thence they will argue the little danger which any dependency of the crown has to apprehend from the enforcement of that authority. It will be, too, somewhat flattering to the country gentlemen, who might otherwise begin to be sullen, to hold out that the burden is not wholly to rest upon them; and it will pique our pride to be told that Ireland has cheerfully stepped forward: and when a dependant of this kingdom has already engaged itself in another year's war, merely for our dignity, how can we, who are principals in the quarrel, hold off? This scheme of policy seems to me so very obvious, and is likely to be of so much

service to the present system, that I cannot conceive it possible they should neglect it, or something like it. They have already put the people of Ireland to the proof. Have they not borne the Earl of Buckinghamshire, the person who was employed to move the fiery committee in the House of Lords in order to stimulate the ministry to this war, who was in the chair, and who moved the resolutions?

It is within a few days of eleven years since I was in Ireland, and then after an absence of two. Those who have been absent from any scene for even a much shorter time generally lose the true practical notion of the country, and of what may or may not be done in it. When I knew Ireland, it was very different from the state of England, where government is a vast deal, the public something, but individuals comparatively very little. But if Ireland bears any resemblance to what it was some years ago, neither government nor public opinion can do a great deal; almost the whole is in the hands of a few leading people. The populace of Dublin, and some parts in the North, are in some sort an exception. But the Primate, Lord Hillsborough, and Lord Hertford have great sway in the latter; and the former may be considerable or not, pretty much as the Duke of Leinster pleases. On the whole, the success of government usually depended on the bargain made with a very few men. The resident lieutenancy may have made some change, and given a strength to government, which formerly, I know, it had not; still, however, I am of opinion, the former state, though in other hands perhaps, and in another manner, still continues. The house you are connected with is grown into a much greater degree of power than it

had, though it was very considerable, at the period I speak of. If the D. of L. takes a popular part, he is sure of the city of Dublin, and he has a young man attached to him who stands very forward in Parliament and in profession, and, by what I hear, with more good-will and less envy than usually attends so rapid a progress. The movement of one or two principal men, if they manage the little popular strength which is to be found in Dublin and Ulster, may do a great deal, especially when money is to be saved and taxes to be kept off. I confess I should despair of your succeeding with any of them, if they cannot be satisfied that every job which they can look for on account of carrying this measure would be just as sure to them for their ordinary support of government. They are essential to government, which at this time must not be disturbed, and their neutrality will be purchased at as high a price as their alliance offensive and defensive. Now, as by supporting they may get as much as by betraying their country, it must be a great leaning to turpitude that can make them take a part in this war. I am satisfied, that, if the Duke of Leinster and Lord Shannon would act together, this business could not go on; or if either of them took part with Ponsonby, it would have no better success. Hutchinson's situation is much altered since I saw you. To please Tisdall, he had been in a manner laid aside at the Castle. It is now to be seen whether he prefers the gratification of his resentment and his appetite for popularity, both of which are strong enough in him, to the advantages which his independence gives him, of making a new bargain, and accumulating new offices on his heap. Pray do not be asleep in this scene of action,—at

this time, if I am right, the principal. The Protestants of Ireland will be, I think, in general, backward: they form infinitely the greatest part of the landed and the moneyed interests; and they will not like to pay. The Papists are reduced to beasts of burden: they will give all they have, their shoulders, readily enough, if they are flattered. Surely the state of Ireland ought forever to teach parties moderation in their victories. People crushed by law have no hopes but from power. If laws are their enemies, they will be enemies to laws; and those who have much to hope and nothing to lose will always be dangerous, more or less. But this is not our present business. If all this should prove a dream, however, let it not hinder you from writing to me and telling me so. You will easily refute, in your conversation, the little topics which they will set afloat: such as, that Ireland is a boat, and must go with the ship; that, if the Americans contended only for their liberties, it would be different, — but since they have declared independence, and so forth ———

You are happy in enjoying Townshend's company. Remember me to him. How does he like his private situation in a country where he was the son of the sovereign? — Mrs. Burke and the two Richards salute you cordially.

E. B.

Beaconsfield, October 8th, 1777.

A

LETTER

TO

THE MARQUIS OF ROCKINGHAM,

WITH

ADDRESSES TO THE KING,

AND

THE BRITISH COLONISTS IN NORTH AMERICA,

IN RELATION TO

THE MEASURES OF GOVERNMENT IN THE AMERICAN CONTEST, AND A PROPOSED SECESSION OF THE OPPOSITION FROM PARLIAMENT.

JANUARY, 1777.

NOTE.

THIS Letter, with the two Addresses which follow it, was written upon occasion of a proposed secession from Parliament of the members in both Houses who had opposed the measures of government, in the contest between this country and the colonies in North America, from the time of the repeal of the Stamp Act. It appears, from an indorsement written by Mr. Burke on the manuscript, that he warmly recommended the measure, but (for what reasons is not stated) it was not adopted.

LETTER

TO THE MARQUIS OF ROCKINGHAM.

MY DEAR LORD,—I am afraid that I ought rather to beg your pardon for troubling you at all in this season of repose, than to apologize for having been so long silent on the approaching business. It comes upon us, not indeed in the most agreeable manner, but it does come upon us; and I believe your friends in general are in expectation of finding your Lordship resolved in what way you are to meet it. The deliberation is full of difficulties; but the determination is necessary.

The affairs of America seem to be drawing towards a crisis. The Howes are at this time in possession of, or are able to awe, the whole middle coast of America, from Delaware to the western boundary of Massachusetts Bay; the naval barrier on the side of Canada is broken; a great tract of country is open for the supply of the troops; the river Hudson opens a way into the heart of the provinces; and nothing can, in all probability, prevent an early and offensive campaign. What the Americans *have* done is, in their circumstances, truly astonishing; it is, indeed, infinitely more than I expected from them. But having done so much, for some short time I began to entertain an opinion that they might do more. It is now, however, evident that they cannot look standing

armies in the face. They are inferior in everything, even in numbers, — I mean, in the number of those whom they keep in constant duty and in regular pay. There seem, by the best accounts, not to be above ten or twelve thousand men, at most, in their grand army. The rest are militia, and not wonderfully well composed or disciplined. They decline a general engagement, — prudently enough, if their object had been to make the war attend upon a treaty of good terms of subjection; but when they look further, this will not do. An army that is obliged at all times and in all situations to decline an engagement may delay their ruin, but can never defend their country. Foreign assistance they have little or none, nor are likely soon to have more. France, in effect, has no king, nor any minister accredited enough either with the court or nation to undertake a design of great magnitude.

In this state of things, I persuade myself Franklin is come to Paris to draw from that court a definitive and satisfactory answer concerning the support of the colonies. If he cannot get such an answer, (and I am of opinion that at present he cannot,) then it is to be presumed he is authorized to negotiate with Lord Stormont on the basis of dependence on the crown. This I take to be his errand: for I never can believe that he is come thither as a fugitive from his cause in the hour of its distress, or that he is going to conclude a long life, which has brightened every hour it has continued, with so foul and dishonorable a flight. On this supposition, I thought it not wholly impossible that the Whig party might be made a sort of mediators of the peace. It is unnatural to suppose, that, in making an accommodation, the

Americans should not choose rather to give credit to those who all along have opposed the measure of ministers, than to throw themselves wholly on the mercy of their bitter, uniform, and systematic enemies. It is, indeed, the victorious enemy that has the terms to offer; the vanquished party and their friends are, both of them, reduced in their power; and it is certain that those who are utterly broken and subdued have no option. But, as this is hardly yet the case of the Americans, in this middle state of their affairs, (much impaired, but not perfectly ruined,) one would think it must be their interest to provide, if possible, some further security for the terms which they may obtain from their enemies. If the Congress could be brought to declare in favor of those terms for which one hundred members of the House of Commons voted last year, with some civility to the party which held out those terms, it would undoubtedly have an effect to revive the cause of our liberties in England, and to give the colonies some sort of mooring and anchorage in this country. It seemed to me that Franklin might be made to feel the propriety of such a step; and as I have an acquaintance with him, I had a strong desire of taking a turn to Paris. Everything else failing, one might obtain a better knowledge of the general aspect of affairs abroad than, I believe, any of us possess at present. The Duke of Portland approved the idea. But when I had conversed with the very few of your Lordship's friends who were in town, and considered a little more maturely the constant temper and standing maxims of the party, I laid aside the design, — not being desirous of risking the displeasure of those for whose sake alone I wished

to take that fatiguing journey at this severe season of the year.

The Duke of Portland has taken with him some heads of deliberation, which were the result of a discourse with his Grace and Mr. Montagu at Burlington House. It seems essential to the cause that your Lordship should meet your friends with some settled plan either of action or inaction. Your friends will certainly require such a plan; and I am sure the state of affairs requires it, whether they call for it or not. As to the measure of a secession with reasons, after rolling the matter in my head a good deal, and turning it an hundred ways, I confess I still think it the most advisable, notwithstanding the serious objections that lie against it, and indeed the extreme uncertainty of all political measures, especially at this time. It provides for your honor. I know of nothing else that can so well do this. It is something, perhaps all, that can be done in our present situation. Some precaution, in this respect, is not without its motives. That very estimation for which you have sacrificed everything else is in some danger of suffering in the general wreck; and perhaps it is likely to suffer the more, because you have hitherto confided more than was quite prudent in the clearness of your intentions, and in the solidity of the popular judgment upon them. The former, indeed, is out of the power of events; the latter is full of levity, and the very creature of fortune. However, such as it is, (and for one I do not think I am inclined to overvalue it,) both our interest and our duty make it necessary for us to attend to it very carefully, so long as we act a part in public. The measure you take for this purpose may produce no immediate ef

fect; but with regard to the party, and the principles for whose sake the party exists, all hope of their preservation or recovery depends upon your preserving your reputation.

By the conversation of some friends, it seemed as if they were willing to fall in with this design, because it promised to emancipate them from the servitude of irksome business, and to afford them an opportunity of retiring to ease and tranquillity. If that be their object in the secession and addresses proposed, there surely never were means worse chosen to gain their end; and if this be any part of the project, it were a thousand times better it were never undertaken. The measure is not only unusual, and as such critical, but it is in its own nature strong and vehement in a high degree. The propriety, therefore, of adopting it depends entirely upon the spirit with which it is supported and followed. To pursue violent measures with languor and irresolution is not very consistent in speculation, and not more reputable or safe in practice. If your Lordship's friends do not go to this business with their whole hearts, if they do not feel themselves uneasy without it, if they do not undertake it with a certain degree of zeal, and even with warmth and indignation, it had better be removed wholly out of our thoughts. A measure of less strength, and more in the beaten circle of affairs, if supported with spirit and industry, would be on all accounts infinitely more eligible. We have to consider what it is that in this undertaking we have against us. We have the weight of King, Lords, and Commons in the other scale; we have against us, within a trifle, the whole body of the law; we oppose the more considerable part of the landed

and mercantile interests; we contend, in a manner, against the whole Church; we set our faces against great armies flushed with victory, and navies who have tasted of civil spoil, and have a strong appetite for more; our strength, whatever it is, must depend, for a good part of its effect, upon events not very probable. In such a situation, such a step requires not only great magnanimity, but unwearied activity and perseverance, with a good deal, too, of dexterity and management, to improve every accident in our favor.

The delivery of this paper may have very important consequences. It is true that the court may pass it over in silence, with a real or affected contempt. But this I do not think so likely. If they do take notice of it, the mildest course will be such an address from Parliament as the House of Commons made to the king on the London Remonstrance in the year 1769. This address will be followed by addresses of a similar tendency, from all parts of the kingdom, in order to overpower you with what they will endeavor to pass as the united voice and sense of the nation. But if they intend to proceed further, and to take steps of a more decisive nature, you are then to consider, not what they may legally and justly do, but what a Parliament omnipotent in power, influenced with party rage and personal resentment, operating under the implicit military obedience of court discipline, is capable of. Though they have made some successful experiments on juries, they will hardly trust enough to them to order a prosecution for a supposed libel. They may proceed in two ways: either by an *impeachment*, in which the Tories may retort on the Whigs (but with better

success, though in a worse cause) the proceedings in the case of Sacheverell, or they may, without this form, proceed, as against the Bishop of Rochester, by a bill of pains and penalties more or less grievous. The similarity of the cases, or the justice, is (as I said) out of the question. The mode of proceeding has several very ancient and very recent precedents. None of these methods is impossible. The court may select three or four of the most distinguished among you for the victims; and therefore nothing is more remote from the tendency of the proposed act than any idea of retirement or repose. On the contrary, you have, all of you, as principals or auxiliaries, a much better [hotter?] and more desperate conflict, in all probability, to undergo, than any you have been yet engaged in. The only question is, whether the risk ought to be run for the chance (and it is no more) of recalling the people of England to their ancient principles, and to that personal interest which formerly they took in all public affairs. At any rate, I am sure it is right, if we take this step, to take it with a full view of the consequences, and with minds and measures in a state of preparation to meet them. It is not becoming that your boldness should arise from a want of foresight. It is more reputable, and certainly it is more safe too, that it should be grounded on the evident necessity of encountering the dangers which you foresee.

Your Lordship will have the goodness to excuse me, if I state in strong terms the difficulties attending a measure which on the whole I heartily concur in. But as, from my want of importance, I can be personally little subject to the most trying part of the consequences, it is as little my desire to urge

others to dangers in which I am myself to have so inconsiderable a share.

If this measure should be thought too great for our strength or the dispositions of the times, then the point will be to consider what is to be done in Parliament. A weak, irregular, desultory, peevish opposition there will be as much too little as the other may be too big. Our scheme ought to be such as to have in it a succession of measures: else it is impossible to secure anything like a regular attendance; opposition will otherwise always carry a disreputable air; neither will it be possible, without that attendance, to persuade the people that we are in earnest. Above all, a motion should be well digested for the first day. There is one thing in particular I wish to recommend to your Lordship's consideration: that is, the opening of the doors of the House of Commons. Without this, I am clearly convinced, it will be in the power of ministry to make our opposition appear without doors just in what light they please. To obtain a gallery is the easiest thing in the world, if we are satisfied to cultivate the esteem of our adversaries by the resolution and energy with which we act against them: but if their satisfaction and good-humor be any part of our object, the attempt, I admit, is idle.

I had some conversation, before I left town, with the D. of M. He is of opinion, that, if you adhere to your resolution of seceding, you ought not to appear on the first day of the meeting. He thinks it can have no effect, except to break the continuity of your conduct, and thereby to weaken and fritter away the impression of it. It certainly will

seem odd to give solemn reasons for a discontinuance of your attendance in Parliament, after having two or three times returned to it, and immediately after a vigorous act of opposition. As to trials of the temper of the House, there have been of that sort so many already that I see no reason for making another that would not hold equally good for another after that, — particularly as nothing has happened in the least calculated to alter the disposition of the House. If the secession were to be general, such an attendance, followed by such an act, would have force; but being in its nature incomplete and broken, to break it further by retreats and returns to the chase must entirely destroy its effect. I confess I am quite of the D. of M.'s opinion in this point.

I send your Lordship a corrected copy of the paper: your Lordship will be so good to communicate it, if you should approve of the alterations, to Lord J. C. and Sir G. S. I showed it to the D. of P. before his Grace left town; and at his, the D. of P.'s, desire, I have sent it to the D. of R. The principal alteration is in the pages last but one. It is made to remove a difficulty which had been suggested to Sir G. S., and which he thought had a good deal in it. I think it much the better for that alteration. Indeed, it may want still more corrections, in order to adapt it to the present or probable future state of things.

What shall I say in excuse for this long letter, which frightens me when I look back upon it? Your Lordship will take it, and all in it, with your usual incomparable temper, which carries you through so much both from enemies and friends.

My most humble respects to Lady R., and believe me, with the highest regard, ever, &c.

E. B.

I hear that Dr. Franklin has had a most extraordinary reception at Paris from all ranks of people.

BEACONSFIELD, Monday night, Jan. 6, 1777.

ADDRESS TO THE KING.

WE, your Majesty's most dutiful and loyal subjects, several of the peers of the realm, and several members of the House of Commons chosen by the people to represent them in Parliament, do in our individual capacity, but with hearts filled with a warm affection to your Majesty, with a strong attachment to your royal house, and with the most unfeigned devotion to your true interest, beg leave, at this crisis of your affairs, in all humility to approach your royal presence.

Whilst we lament the measures adopted by the public councils of the kingdom, we do not mean to question the legal validity of their proceedings. We do not desire to appeal from them to any person whatsoever. We do not dispute the conclusive authority of the bodies in which we have a place over all their members. We know that it is our ordinary duty to submit ourselves to the determinations of the majority in everything, except what regards the just defence of our honor and reputation. But the situation into which the British empire has been brought, and the conduct to which we are reluctantly driven in that situation, we hold ourselves bound by the relation in which we stand both to the crown and the people clearly to explain to your Majesty and our country.

We have been called upon in the speech from the throne at the opening of this session of Parliament, in a manner peculiarly marked, singularly emphatical, and from a place from whence anything implying censure falls with no common weight, to concur in unanimous approbation of those measures which have produced our present distresses and threaten us in future with others far more grievous. We trust, therefore, that we shall stand justified in offering to our sovereign and the public our reasons for persevering inflexibly in our uniform dissent from every part of those measures. We lament them from an experience of their mischief, as we originally opposed them from a sure foresight of their unhappy and inevitable tendency.

We see nothing in the present events in the least degree sufficient to warrant an alteration in our opinion. We were always steadily averse to this civil war, — not because we thought it impossible that it should be attended with victory, but because we were fully persuaded that in such a contest victory would only vary the mode of our ruin, and by making it less immediately sensible would render it the more lasting and the more irretrievable. Experience had but too fully instructed us in the possibility of the reduction of a free people to slavery by foreign mercenary armies. But we had an horror of becoming the instruments in a design, of which, in our turn, we might become the victims. Knowing the inestimable value of peace, and the contemptible value of what was sought by war, we wished to compose the distractions of our country, not by the use of foreign arms, but by prudent regulations in our own domestic policy. We deplored, as your Majesty has

done in your speech from the throne, the disorders which prevail in your empire; but we are convinced that the disorders of the people, in the present time and in the present place, are owing to the usual and natural cause of such disorders at all times and in all places, where such have prevailed, — the misconduct of government; — that they are owing to plans laid in error, pursued with obstinacy, and conducted without wisdom.

We cannot attribute so much to the power of faction, at the expense of human nature, as to suppose, that, in any part of the world, a combination of men, few in number, not considerable in rank, of no natural hereditary dependencies, should be able, by the efforts of their policy alone, or the mere exertion of any talents, to bring the people of your American dominions into the disposition which has produced the present troubles. We cannot conceive, that, without some powerful concurring cause, any management should prevail on some millions of people, dispersed over an whole continent, in thirteen provinces, not only unconnected, but, in many particulars of religion, manners, government, and local interest, totally different and adverse, voluntarily to submit themselves to a suspension of all the profits of industry and all the comforts of civil life, added to all the evils of an unequal war, carried on with circumstances of the greatest asperity and rigor. This, Sir, we conceive, could never have happened, but from a general sense of some grievance so radical in its nature and so spreading in its effects as to poison all the ordinary satisfactions of life, to discompose the frame of society, and to convert into fear and hatred that habitual reverence ever paid by mankind to an ancient and venerable government.

That grievance is as simple in its nature, and as level to the most ordinary understanding, as it is powerful in affecting the most languid passions: it is—

"AN ATTEMPT MADE TO DISPOSE OF THE PROPERTY OF A WHOLE PEOPLE WITHOUT THEIR CONSENT."

Your Majesty's English subjects in the colonies, possessing the ordinary faculties of mankind, know that to live under such a plan of government is not to live in a state of freedom. Your English subjects in the colonies, still impressed with the ancient feelings of the people from whom they are derived, cannot live under a government which does not establish freedom as its basis.

This scheme, being, therefore, set up in direct opposition to the rooted and confirmed sentiments and habits of thinking of an whole people, has produced the effects which ever must result from such a collision of power and opinion. For we beg leave, with all duty and humility, to represent to your Majesty, (what we fear has been industriously concealed from you,) that it is not merely the opinion of a very great number, or even of the majority, but the universal sense of the whole body of the people in those provinces, that the practice of taxing, in the mode and on the principles which have been lately contended for and enforced, is subversive of all their rights.

This sense has been declared, as we understand on good information, by the unanimous voice of all their Assemblies: each Assembly also, on this point, is perfectly unanimous within itself. It has been declared as fully by the actual voice of the people without these Assemblies as by the constructive voice within them, as well by those in that country who addressed

as by those who remonstrated; and it is as much the avowed opinion of those who have hazarded their all, rather than take up arms against your Majesty's forces, as of those who have run the same risk to oppose them. The difference among them is not on the grievance, but on the mode of redress; and we are sorry to say, that they who have conceived hopes from the placability of the ministers who influence the public councils of this kingdom disappear in the multitude of those who conceive that passive compliance only confirms and emboldens oppression.

The sense of a whole people, most gracious sovereign, never ought to be contemned by wise and beneficent rulers, — whatever may be the abstract claims, or even rights, of *the supreme power*. We have been too early instructed, and too long habituated to believe, that the only firm seat of all authority is in the minds, affections, and interests of the people, to change our opinions on the theoretic reasonings of speculative men, or for the convenience of a mere temporary arrangement of state. It is not consistent with equity or wisdom to set at defiance the general feelings of great communities, and of all the orders which compose them. Much power is tolerated, and passes unquestioned, where much is yielded to opinion. All is disputed, where everything is enforced.

Such are our sentiments on the duty and policy of conforming to the prejudices of a whole people, even where the foundation of such prejudices may be false or disputable. But permit us to lay at your Majesty's feet our deliberate judgment on the real merits of that principle, the violation of which is the known ground and origin of these troubles. We assure your

Majesty, that, on our parts, we should think ourselves unjustifiable, as good citizens, and not influenced by the true spirit of Englishmen, if, with any effectual means of prevention in our hands, we were to submit to taxes to which we did not consent, either directly, or by a representation of the people securing to us the substantial benefit of an absolutely free disposition of our own property in that important case. And we add, Sir, that, if fortune, instead of blessing us with a situation where we may have daily access to the propitious presence of a gracious prince, had fixed us in settlements on the remotest part of the globe, we must carry these sentiments with us, as part of our being, — persuaded that the distance of situation would render this privilege in the disposal of property but the more necessary. If no provision had been made for it, such provision ought to be made or permitted. Abuses of subordinate authority increase, and all means of redress lessen, as the distance of the subject removes him from the seat of the supreme power. What, in those circumstances, can save him from the last extremes of indignity and oppression, but something left in his own hands which may enable him to conciliate the favor and control the excesses of government? When no means of power to awe or to oblige are possessed, the strongest ties which connect mankind in every relation, social and civil, and which teach them mutually to respect each other, are broken. Independency, from that moment, virtually exists. Its formal declaration will quickly follow. Such must be our feelings for ourselves: we are not in possession of another rule for our brethren.

When the late attempt practically to annihilate

that inestimable privilege was made, great disorders and tumults, very unhappily and very naturally, arose from it. In this state of things, we were of opinion that satisfaction ought instantly to be given, or that, at least, the punishment of the disorder ought to be attended with the redress of the grievance. We were of opinion, that, if our dependencies had so outgrown the positive institutions made for the preservation of liberty in this kingdom, that the operation of their powers was become rather a pressure than a relief to the subjects in the colonies, wisdom dictated that the spirit of the Constitution should rather be applied to their circumstances, than its authority enforced with violence in those very parts where its reason became wholly inapplicable.

Other methods were then recommended and followed, as infallible means of restoring peace and order. We looked upon them to be, what they have since proved to be, the cause of inflaming discontent into disobedience, and resistance into revolt. The subversion of solemn, fundamental charters, on a suggestion of abuse, without citation, evidence, or hearing, — the total suspension of the commerce of a great maritime city, the capital of a great maritime province, during the pleasure of the crown, — the establishment of a military force, not accountable to the ordinary tribunals of the country in which it was kept up, — these and other proceedings at that time, if no previous cause of dissension had subsisted, were sufficient to produce great troubles: unjust at all times, they were then irrational.

We could not conceive, when disorders had arisen from the complaint of one violated right, that to violate every other was the proper means of quieting an

exasperated people. It seemed to us absurd and preposterous to hold out, as the means of calming a people in a state of extreme inflammation, and ready to take up arms, the austere law which a rigid conqueror would impose as the sequel of the most decisive victories.

Recourse, indeed, was at the same time had to force; and we saw a force sent out, enough to menace liberty, but not to awe opposition, — tending to bring odium on the civil power, and contempt on the military, — at once to provoke and encourage resistance. Force was sent out not sufficient to hold one town; laws were passed to inflame thirteen provinces.

This mode of proceeding, by harsh laws and feeble armies, could not be defended on the principle of mercy and forbearance. For mercy, as we conceive, consists, not in the weakness of the means, but in the benignity of the ends. We apprehend that mild measures may be powerfully enforced, and that acts of extreme rigor and injustice may be attended with as much feebleness in the execution as severity in the formation.

In consequence of these terrors, which, falling upon some, threatened all, the colonies made a common cause with the sufferers, and proceeded, on their part, to acts of resistance. In that alarming situation, we besought your Majesty's ministers to entertain some distrust of the operation of coercive measures, and to profit of their experience. Experience had no effect. The modes of legislative rigor were construed, not to have been erroneous in their policy, but too limited in their extent. New severities were adopted. The fisheries of your people in

America followed their charters; and their mutual combination to defend what they thought their common rights brought on a total prohibition of their mutual commercial intercourse. No distinction of persons or merits was observed: the peaceable and the mutinous, friends and foes, were alike involved, as if the rigor of the laws had a certain tendency to recommend the authority of the legislator.

Whilst the penal laws increased in rigor, and extended in application over all the colonies, the direct force was applied but to one part. Had the great fleet and foreign army since employed been at that time called for, the greatness of the preparation would have declared the magnitude of the danger. The nation would have been alarmed, and taught the necessity of some means of reconciliation with our countrymen in America, who, whenever they are provoked to resistance, demand a force to reduce them to obedience full as destructive to us as to them. But Parliament and the people, by a premeditated concealment of their real situation, were drawn into perplexities which furnished excuses for further armaments, and whilst they were taught to believe themselves called to suppress a riot, they found themselves involved in a mighty war.

At length British blood was spilled by British hands: a fatal era, which we must ever deplore, because your empire will forever feel it. Your Majesty was touched with a sense of so great a disaster. Your paternal breast was affected with the sufferings of your English subjects in America. In your speech from the throne, in the beginning of the session of 1775, you were graciously pleased to declare yourself inclined to relieve their distresses and to pardon

their errors. You felt their sufferings under the late penal acts of Parliament. But your ministry felt differently. Not discouraged by the pernicious effects of all they had hitherto advised, and notwithstanding the gracious declaration of your Majesty, they obtained another act of Parliament, in which the rigors of all the former were consolidated, and embittered by circumstances of additional severity and outrage. The whole trading property of America (even unoffending shipping in port) was indiscriminately and irrecoverably given, as the plunder of foreign enemies, to the sailors of your navy. This property was put out of the reach of your mercy. Your people were despoiled; and your navy, by a new, dangerous, and prolific example, corrupted with the plunder of their countrymen. Your people in that part of your dominions were put, in their general and political, as well as their personal capacity, wholly out of the protection of your government.

Though unwilling to dwell on all the improper modes of carrying on this unnatural and ruinous war, and which have led directly to the present unhappy separation of Great Britain and its colonies, we must beg leave to represent two particulars, which we are sure must have been entirely contrary to your Majesty's order or approbation. Every course of action in hostility, however that hostility may be just or merited, is not justifiable or excusable. It is the duty of those who claim to rule over others not to provoke them beyond the necessity of the case, nor to leave stings in their minds which must long rankle even when the appearance of tranquillity is restored. We therefore assure your Majesty that it is with shame and sorrow we have seen several acts of

hostility which could have no other tendency than incurably to alienate the minds of your American subjects. To excite, by a proclamation issued by your Majesty's governor, an universal insurrection of negro slaves in any of the colonies is a measure full of complicated horrors, absolutely illegal, suitable neither to the practice of war nor to the laws of peace. Of the same quality we look upon all attempts to bring down on your subjects an irruption of those fierce and cruel tribes of savages and cannibals in whom the vestiges of human nature are nearly effaced by ignorance and barbarity. They are not fit allies for your Majesty in a war with your people. They are not fit instruments of an English government. These and many other acts we disclaim as having advised, or approved when done; and we clear ourselves to your Majesty, and to all civilized nations, from any participation whatever, before or after the fact, in such unjustifiable and horrid proceedings.

But there is one weighty circumstance which we lament equally with the causes of the war, and with the modes of carrying it on, — that no disposition whatsoever towards peace or reconciliation has ever been shown by those who have directed the public councils of this kingdom, either before the breaking out of these hostilities or during the unhappy continuance of them. Every proposition made in your Parliament to remove the original cause of these troubles, by taking off taxes obnoxious for their principle or their design, has been overruled, — every bill brought in for quiet rejected, even on the first proposition. The petitions of the colonies have not been admitted even to an hearing. The

very possibility of public agency, by which such petitions could authentically arrive at Parliament, has been evaded and chicaned away. All the public declarations which indicate anything resembling a disposition to reconciliation seem to us loose, general, equivocal, capable of various meanings, or of none; and they are accordingly construed differently, at different times, by those on whose recommendation they have been made: being wholly unlike the precision and stability of public faith, and bearing no mark of that ingenuous simplicity and native candor and integrity which formerly characterized the English nation.

Instead of any relaxation of the claim of taxing at the discretion of Parliament, your ministers have devised a new mode of enforcing that claim, much more effectual for the oppression of the colonies, though not for your Majesty's service, both as to the quantity and application, than any of the former methods; and their mode has been expressly held out by ministers as a plan not to be departed from by the House of Commons, and as the very condition on which the legislature is to accept the dependence of the colonies.

At length, when, after repeated refusals to hear or to conciliate, an act dissolving your government, by putting your people in America out of your protection, was passed, your ministers suffered several months to elapse without affording to them, or to any community or any individual amongst them, the means of entering into that protection, even on unconditional submission, contrary to your Majesty's gracious declaration from the throne, and in direct violation of the public faith.

We cannot, therefore, agree to unite in new severities against the brethren of our blood for their asserting an independency, to which we know, in our conscience, they have been necessitated by the conduct of those very persons who now make use of that argument to provoke us to a continuance and repetition of the acts which in a regular series have led to this great misfortune.

The reasons, dread Sir, which have been used to justify this perseverance in a refusal to hear or conciliate have been reduced into a sort of Parliamentary maxims which we do not approve. The first of these maxims is, "that the two Houses ought not to receive (as they have hitherto refused to receive) petitions containing matter derogatory to any part of the authority they claim." We conceive this maxim and the consequent practice to be unjustifiable by reason or the practice of other sovereign powers, and that it must be productive, if adhered to, of a total separation between this kingdom and its dependencies. The supreme power, being in ordinary cases the ultimate judge, can, as we conceive, suffer nothing in having any part of his rights excepted to, or even discussed before himself. We know that sovereigns in other countries, where the assertion of absolute regal power is as high as the assertion of absolute power in any politic body can possibly be here, have received many petitions in direct opposition to many of their claims of prerogative, — have listened to them, — condescended to discuss, and to give answers to them. This refusal to admit even the discussion of any part of an undefined prerogative will naturally tend to annihilate any privilege that can be claimed by every inferior dependent community, and every subordinate order in the state.

The next maxim which has been put as a bar to any plan of accommodation is, "that no offer of terms of peace ought to be made, before Parliament is assured that these terms will be accepted." On this we beg leave to represent to your Majesty, that, if, in all events, the policy of this kingdom is to govern the people in your colonies as a free people, no mischief can possibly happen from a declaration to them, and to the world, of the manner and form in which Parliament proposes that they shall enjoy the freedom it protects. It is an encouragement to the innocent and meritorious, that they at least shall enjoy those advantages which they patiently expected rather from the benignity of Parliament than their own efforts. Persons more contumacious may also see that they are resisting terms of perhaps greater freedom and happiness than they are now in arms to obtain. The glory and propriety of offered mercy is neither tarnished nor weakened by the folly of those who refuse to take advantage of it.

We cannot think that the declaration of independency makes any natural difference in the reason and policy of the offer. No prince out of the possession of his dominions, and become a sovereign *de jure* only, ever thought it derogatory to his rights or his interests to hold out to his former subjects a distinct prospect of the advantages to be derived from his readmission, and a security for some of the most fundamental of those popular privileges in vindication of which he had been deposed. On the contrary, such offers have been almost uniformly made under similar circumstances. Besides, as your Majesty has been graciously pleased, in your speech from the throne, to declare your intention of restor

ing your people in the colonies to a state of law and liberty, no objection can possibly lie against defining what that law and liberty are; because those who offer and those who are to receive terms frequently differ most widely and most materially in the signification of these words, and in the objects to which they apply.

To say that we do not know, at this day, what the grievances of the colonies are (be they real or pretended) would be unworthy of us. But whilst we are thus waiting to be informed of what we perfectly know, we weaken the powers of the commissioners, — we delay, perhaps we lose, the happy hour of peace, — we are wasting the substance of both countries, — we are continuing the effusion of human, of Christian, of English blood.

We are sure that we must have your Majesty's heart along with us, when we declare in favor of mixing something conciliatory with our force. Sir, we abhor the idea of making a conquest of our countrymen. We wish that they may yield to well-ascertained, well-authenticated, and well-secured terms of reconciliation, — not that your Majesty should owe the recovery of your dominions to their total waste and destruction. Humanity will not permit us to entertain such a desire; nor will the reverence we bear to the civil rights of mankind make us even wish that questions of great difficulty, of the last importance, and lying deep in the vital principles of the British Constitution, should be solved by the arms of foreign mercenary soldiers.

It is not, Sir, from a want of the most inviolable duty to your Majesty, not from a want of a partial and passionate regard to that part of your empire

in which we reside, and which we wish to be supreme, that we have hitherto withstood all attempts to render the supremacy of one part of your dominions inconsistent with the liberty and safety of all the rest. The motives of our opposition are found in those very sentiments which we are supposed to violate. For we are convinced beyond a doubt, that a system of dependence which leaves no security to the people for any part of their freedom in their own hands cannot be established in any inferior member of the British empire, without consequentially destroying the freedom of that very body in favor of whose boundless pretensions such a scheme is adopted. We know and feel that arbitrary power over distant regions is not within the competence, nor to be exercised agreeably to the forms or consistently with the spirit, of great popular assemblies. If such assemblies are called to a nominal share in the exercise of such power, in order to screen, under general participation, the guilt of desperate measures, it tends only the more deeply to corrupt the deliberative character of those assemblies, in training them to blind obedience, in habituating them to proceed upon grounds of fact with which they can rarely be sufficiently acquainted, and in rendering them executive instruments of designs the bottom of which they cannot possibly fathom.

To leave any real freedom to Parliament, freedom must be left to the colonies. A military government is the only substitute for civil liberty. That the establishment of such a power in America will utterly ruin our finances (though its certain effect) is the smallest part of our concern. It will become an apt, powerful, and certain engine for the destruc-

tion of our freedom here. Great bodies of armed men, trained to a contempt of popular assemblies representative of an English people, — kept up for the purpose of exacting impositions without their consent, and maintained by that exaction, — instruments in subverting, without any process of law, great ancient establishments and respected forms of governments, — set free from, and therefore above, the ordinary English tribunals of the country where they serve, — these men cannot so transform themselves, merely by crossing the sea, as to behold with love and reverence, and submit with profound obedience to, the very same things in Great Britain which in America they had been taught to despise, and had been accustomed to awe and humble. All your Majesty's troops, in the rotation of service, will pass through this discipline and contract these habits. If we could flatter ourselves that this would not happen, we must be the weakest of men; we must be the worst, if we were indifferent whether it happened or not. What, gracious sovereign, is the empire of America to us, or the empire of the world, if we lose our own liberties? We deprecate this last of evils. We deprecate the effect of the doctrines which must support and countenance the government over conquered Englishmen.

As it will be impossible long to resist the powerful and equitable arguments in favor of the freedom of these unhappy people that are to be drawn from the principle of our own liberty, attempts will be made, attempts have been made, to ridicule and to argue away this principle, and to inculcate into the minds of your people other maxims of government and other grounds of obedience than those which have pre-

vailed at and since the glorious Revolution. By degrees, these doctrines, by being convenient, may grow prevalent. The consequence is not certain; but a general change of principles rarely happens among a people without leading to a change of government.

Sir, your throne cannot stand secure upon the principles of unconditional submission and passive obedience, — on powers exercised without the concurrence of the people to be governed, — on acts made in defiance of their prejudices and habits, — on acquiescence procured by foreign mercenary troops, and secured by standing armies. These may possibly be the foundation of other thrones: they must be the subversion of yours. It was not to passive principles in our ancestors that we owe the honor of appearing before a sovereign who cannot feel that he is a prince without knowing that we ought to be free. The Revolution is a departure from the ancient course of the descent of this monarchy. The people at that time reëntered into their original rights; and it was not because a positive law authorized what was then done, but because the freedom and safety of the subject, the origin and cause of all laws, required a proceeding paramount and superior to them. At that ever memorable and instructive period, the letter of the law was superseded in favor of the substance of liberty. To the free choice, therefore, of the people, without either King or Parliament, we owe that happy establishment out of which both King and Parliament were regenerated. From that great principle of liberty have originated the statutes confirming and ratifying the establishment from which your Majesty derives your

right to rule over us. Those statutes have not given us our liberties: our liberties have produced them. Every hour of your Majesty's reign, your title stands upon the very same foundation on which it was at first laid; and we do not know a better on which it can possibly be placed.

Convinced, Sir, that you cannot have different rights and a different security in different parts of your dominions, we wish to lay an even platform for your throne, and to give it an unmovable stability, by laying it on the general freedom of your people, and by securing to your Majesty that confidence and affection in all parts of your dominions which makes your best security and dearest title in this the chief seat of your empire.

Such, Sir, being, amongst us, the foundation of monarchy itself, much more clearly and much more peculiarly is it the ground of all Parliamentary power. Parliament is a security provided for the protection of freedom, and not a subtile fiction, contrived to amuse the people in its place. The authority of both Houses can still less than that of the crown be supported upon different principles in different places, so as to be for one part of your subjects a protector of liberty, and for another a fund of despotism, through which prerogative is extended by occasional powers, whenever an arbitrary will finds itself straitened by the restrictions of law. Had it seemed good to Parliament to consider itself as the indulgent guardian and strong protector of the freedom of the subordinate popular assemblies, instead of exercising its powers to their annihilation, there is no doubt that it never could have been their inclination, because not their interest, to raise questions on the

extent of Parliamentary rights, or to enfeeble privileges which were the security of their own. Powers evident from necessity, and not suspicious from an alarming mode or purpose in the exertion, would, as formerly they were, be cheerfully submitted to; and these would have been fully sufficient for conservation of unity in the empire, and for directing its wealth to one common centre. Another use has produced other consequences; and a power which refuses to be limited by moderation must either be lost, or find other more distinct and satisfactory limitations.

As for us, a supposed, or, if it could be, a real, participation in arbitrary power would never reconcile our minds to its establishment. We should be ashamed to stand before your Majesty, boldly asserting in our own favor inherent rights which bind and regulate the crown itself, and yet insisting on the exercise, in our own persons, of a more arbitrary sway over our fellow-citizens and fellow-freemen.

These, gracious sovereign, are the sentiments which we consider ourselves as bound, in justification of our present conduct, in the most serious and solemn manner to lay at your Majesty's feet. We have been called by your Majesty's writs and proclamations, and we have been authorized, either by hereditary privilege or the choice of your people, to confer and treat with your Majesty, in your highest councils, upon the arduous affairs of your kingdom. We are sensible of the whole importance of the duty which this constitutional summons implies. We know the religious punctuality of attendance which, in the ordinary course, it demands. It is no light cause which, even for a time, could persuade us to relax in any

part of that attendance. The British empire is in convulsions which threaten its dissolution. Those particular proceedings which cause and inflame this disorder, after many years' incessant struggle, we find ourselves wholly unable to oppose and unwilling to behold. All our endeavors having proved fruitless, we are fearful at this time of irritating by contention those passions which we have found it impracticable to compose by reason. We cannot permit ourselves to countenance, by the appearance of a silent assent, proceedings fatal to the liberty and unity of the empire, — proceedings which exhaust the strength of all your Majesty's dominions, destroy all trust and dependence of our allies, and leave us, both at home and abroad, exposed to the suspicious mercy and uncertain inclinations of our neighbor and rival powers, to whom, by this desperate course, we are driving our countrymen for protection, and with whom we have forced them into connections, and may bind them by habits and by interests, — an evil which no victories that may be obtained, no severities which may be exercised, ever will or can remove.

If but the smallest hope should from any circumstances appear of a return to the ancient maxims and true policy of this kingdom, we shall with joy and readiness return to our attendance, in order to give our hearty support to whatever means may be left for alleviating the complicated evils which oppress this nation.

If this should not happen, we have discharged our consciences by this faithful representation to your Majesty and our country; and however few in number, or however we may be overborne by practices whose operation is but too powerful, by the revival

of dangerous exploded principles, or by the misguided zeal of such arbitrary factions as formerly prevailed in this kingdom, and always to its detriment and disgrace, we have the satisfaction of standing forth and recording our names in assertion of those principles whose operation hath, in better times, made your Majesty a great prince, and the British dominions a mighty empire.

ADDRESS

TO THE

BRITISH COLONISTS IN NORTH AMERICA.

THE very dangerous crisis into which the British empire is brought, as it accounts for, so it justifies, the unusual step we take in addressing ourselves to you.

The distempers of the state are grown to such a degree of violence and malignity as to render all ordinary remedies vain and frivolous. In such a deplorable situation, an adherence to the common forms of business appears to us rather as an apology to cover a supine neglect of duty than the means of performing it in a manner adequate to the exigency that presses upon us. The common means we have already tried, and tried to no purpose. As our last resource, we turn ourselves to you. We address you merely in our private capacity, vested with no other authority than what will naturally attend those in whose declarations of benevolence you have no reason to apprehend any mixture of dissimulation or design.

We have this title to your attention: we call upon it in a moment of the utmost importance to us all. We find, with infinite concern, that arguments are used to persuade you of the necessity of separating yourselves from your ancient connection with your

parent country, grounded on a supposition that a general principle of alienation and enmity to you had pervaded the whole of this kingdom, and that there does no longer subsist between you and us any common and kindred principles upon which we can possibly unite, consistently with those ideas of liberty in which you have justly placed your whole happiness.

If this fact were true, the inference drawn from it would be irresistible. But nothing is less founded. We admit, indeed, that violent addresses have been procured with uncommon pains by wicked and designing men, purporting to be the genuine voice of the whole people of England, — that they have been published by authority here, and made known to you by proclamations, in order, by despair and resentment, incurably to poison your minds against the origin of your race, and to render all cordial reconciliation between us utterly impracticable. The same wicked men, for the same bad purposes, have so far surprised the justice of Parliament as to cut off all communication betwixt us, except what is to go in their own fallacious and hostile channel.

But we conjure you by the invaluable pledges which have hitherto united, and which we trust will hereafter lastingly unite us, that you do not suffer yourselves to be persuaded or provoked into an opinion that you are at war with this nation. Do not think that the whole, or even the uninfluenced majority, of Englishmen in this island are enemies to their own blood on the American continent. Much delusion has been practised, much corrupt influence treacherously employed. But still a large, and we trust the largest and soundest, part of this kingdom

perseveres in the most perfect unity of sentiments, principles, and affections with you. It spreads out a large and liberal platform of common liberty, upon which we may all unite forever. It abhors the hostilities which have been carried on against you, as much as you who feel the cruel effect of them. It has disclaimed in the most solemn manner, at the foot of the throne itself, the addresses which tended to irritate your sovereign against his colonies. We are persuaded that even many of those who unadvisedly have put their hands to such intemperate and inflammatory addresses have not at all apprehended to what such proceedings naturally lead, and would sooner die than afford them the least countenance, if they were sensible of their fatal effects on the union and liberty of the empire.

For ourselves, we faithfully assure you, that we have ever considered you as rational creatures, as free agents, as men willing to pursue and able to discern your own true interest. We have wished to continue united with you, in order that a people of one origin and one character should be directed to the rational objects of government by joint counsels, and protected in them by a common force. Other subordination in you we require none. We have never pressed that argument of general union to the extinction of your local, natural, and just privileges. Sensible of what is due both to the dignity and weakness of man, we have never wished to place over you any government, over which, in great, fundamental points, you should have no sort of check or control in your own hands, or which should be repugnant to your situation, principles, and character.

No circumstances of fortune, you may be assured,

will ever induce us to form or tolerate any such design. If the disposition of Providence (which we deprecate) should even prostrate you at our feet, broken in power and in spirit, it would be our duty and inclination to revive, by every practicable means, that free energy of mind which a fortune unsuitable to your virtue had damped and dejected, and to put you voluntarily in possession of those very privileges which you had in vain attempted to assert by arms. For we solemnly declare, that, although we should look upon a separation from you as an heavy calamity, (and the heavier, because we know you must have your full share in it,) yet we had much rather see you totally independent of this crown and kingdom than joined to it by so unnatural a conjunction as that of freedom with servitude, — a conjunction which, if it were at all practicable, could not fail, in the end, of being more mischievous to the peace, prosperity, greatness, and power of this nation than beneficial by any enlargement of the bounds of nominal empire.

But because, brethren, these professions are general, and such as even enemies may make, when they reserve to themselves the construction of what servitude and what liberty are, we inform you that we adopt your own standard of the blessing of free government. We are of opinion that you ought to enjoy the sole and exclusive right of freely granting, and applying to the support of your administration, what God has freely granted as a reward to your industry. And we do not confine this immunity from exterior coercion, in this great point, solely to what regards your local establishment, but also to what may be thought proper for the maintenance of the whole

empire. In this resource we cheerfully trust and acquiesce, satisfied by evident reason that no other expectation of revenue can possibly be given by freemen, and knowing from an experience uniform both on yours and on our side of the ocean that such an expectation has never yet been disappointed. We know of no road to your coffers but through your affections.

To manifest our sentiments the more clearly to you and to the world on this subject, we declare our opinion, that, if no revenue at all (which, however, we are far from supposing) were to be obtained from you to this kingdom, yet, as long as it is our happiness to be joined with you in the bonds of fraternal charity and freedom, with an open and flowing commerce between us, one principle of enmity and friendship pervading, and one right of war and peace directing the strength of the whole empire, we are likely to be at least as powerful as any nation, or as any combination of nations, which in the course of human events may be formed against us. We are sensible that a very large proportion of the wealth and power of every empire must necessarily be thrown upon the presiding state. We are sensible that such a state ever has borne and ever must bear the greatest part, and sometimes the whole, of the public expenses: and we think her well indemnified for that (rather apparent than real) inequality of charge, in the dignity and preëminence she enjoys, and in the superior opulence which, after all charges defrayed, must necessarily remain at the centre of affairs. Of this principle we are not without evidence in our remembrance (not yet effaced) of the glorious and happy days of this empire. We

are therefore incapable of that prevaricating style, by which, when taxes without your consent are to be extorted from you, this nation is represented as in the lowest state of impoverishment and public distress, but when we are called upon to oppress you by force of arms, it is painted as scarcely feeling its impositions, abounding with wealth, and inexhaustible in its resources.

We also reason and feel as you do on the invasion of your charters. Because the charters comprehend the essential forms by which you enjoy your liberties, we regard them as most sacred, and by no means to be taken away or altered without process, without examination, and without hearing, as they have lately been. We even think that they ought by no means to be altered at all, but at the desire of the greater part of the people who live under them. We cannot look upon men as delinquents in the mass; much less are we desirous of lording over our brethren, insulting their honest pride, and wantonly overturning establishments judged to be just and convenient by the public wisdom of this nation at their institution, and which long and inveterate use has taught you to look up to with affection and reverence. As we disapproved of the proceedings with regard to the forms of your constitution, so we are equally tender of every leading principle of free government. We never could think with approbation of putting the military power out of the coercion of the civil justice in the country where it acts.

We disclaim also any sort of share in that other measure which has been used to alienate your affections from this country, — namely, the introduction of foreign mercenaries. We saw their employment

with shame and regret, especially in numbers so far exceeding the English forces as in effect to constitute vassals, who have no sense of freedom, and strangers, who have no common interest or feelings, as the arbiters of our unhappy domestic quarrel.

We likewise saw with shame the African slaves, who had been sold to you on public faith, and under the sanction of acts of Parliament, to be your servants and your guards, employed to cut the throats of their masters.

You will not, we trust, believe, that, born in a civilized country, formed to gentle manners, trained in a merciful religion, and living in enlightened and polished times, where even foreign hostility is softened from its original sternness, we could have thought of letting loose upon you, our late beloved brethren, these fierce tribes of savages and cannibals, in whom the traces of human nature are effaced by ignorance and barbarity. We rather wished to have joined with you in bringing gradually that unhappy part of mankind into civility, order, piety, and virtuous discipline, than to have confirmed their evil habits and increased their natural ferocity by fleshing them in the slaughter of you, whom our wiser and better ancestors had sent into the wilderness with the express view of introducing, along with our holy religion, its humane and charitable manners. We do not hold that all things are lawful in war. We should think that every barbarity, in fire, in wasting, in murders, in tortures, and other cruelties, too horrible and too full of turpitude for Christian mouths to utter or ears to hear, if done at our instigation, by those who we know will make war thus, if they make it at all, to be, to all intents and purposes,

as if done by ourselves. We clear ourselves to you our brethren, to the present age, and to future generations, to our king and our country, and to Europe, which, as a spectator, beholds this tragic scene, of every part or share in adding this last and worst of evils to the inevitable mischiefs of a civil war.

We do not call you rebels and traitors. We do not call for the vengeance of the crown against you. We do not know how to qualify millions of our countrymen, contending with one heart for an admission to privileges which we have ever thought our own happiness and honor, by odious and unworthy names. On the contrary, we highly revere the principles on which you act, though we lament some of their effects. Armed as you are, we embrace you as our friends and as our brethren by the best and dearest ties of relation.

We view the establishment of the English colonies on principles of liberty as that which is to render this kingdom venerable to future ages. In comparison of this, we regard all the victories and conquests of our warlike ancestors, or of our own times, as barbarous, vulgar distinctions, in which many nations, whom we look upon with little respect or value, have equalled, if not far exceeded us. This is the peculiar and appropriated glory of England. Those who *have and who hold* to that foundation of common liberty, whether on this or on your side of the ocean, we consider as the true, and the only true, Englishmen. Those who depart from it, whether there or here, are attainted, corrupted in blood, and wholly fallen from their original rank and value. They are the real rebels to the fair constitution and just supremacy of England.

We exhort you, therefore, to cleave forever to those principles, as being the true bond of union in this empire, — and to show by a manly perseverance that the sentiments of honor and the rights of mankind are not held by the uncertain events of war, as you have hitherto shown a glorious and affecting example to the world that they are not dependent on the ordinary conveniences and satisfactions of life.

Knowing no other arguments to be used to men of liberal minds, it is upon these very principles, and these alone, we hope and trust that no flattering and no alarming circumstances shall permit you to listen to the seductions of those who would alienate you from your dependence on the crown and Parliament of this kingdom. That very liberty which you so justly prize above all things originated here; and it may be very doubtful, whether, without being constantly fed from the original fountain, it can be at all perpetuated or preserved in its native purity and perfection. Untried forms of government may, to unstable minds, recommend themselves even by their novelty. But you will do well to remember that England has been great and happy under the present limited monarchy (subsisting in more or less vigor and purity) for several hundred years. None but England can communicate to you the benefits of such a constitution. We apprehend you are not now, nor for ages are likely to be, capable of that form of constitution in an independent state. Besides, let us suggest to you our apprehensions that your present union (in which we rejoice, and which we wish long to subsist) cannot always subsist without the authority and weight of this great and long

respected body, to equipoise, and to preserve you amongst yourselves in a just and fair equality. It may not even be impossible that a long course of war with the administration of this country may be but a prelude to a series of wars and contentions among yourselves, to end at length (as such scenes have too often ended) in a species of humiliating repose, which nothing but the preceding calamities would reconcile to the dispirited few who survived them. We allow that even this evil is worth the risk to men of honor, when rational liberty is at stake, as in the present case we confess and lament that it is. But if ever a real security by Parliament is given against the terror or the abuse of unlimited power, and after such security given you should persevere in resistance, we leave you to consider whether the risk is not incurred without an object, or incurred for an object infinitely diminished by such concessions in its importance and value.

As to other points of discussion, when these grand fundamentals of your grants and charters are once settled and ratified by clear Parliamentary authority, as the ground for peace and forgiveness on our side, and for a manly and liberal obedience on yours, treaty and a spirit of reconciliation will easily and securely adjust whatever may remain. Of this we give you our word, that, so far as we are at present concerned, and if by any event we should become more concerned hereafter, you may rest assured, upon the pledges of honor not forfeited, faith not violated, and uniformity of character and profession not yet broken, we at least, on these grounds, will never fail you.

Respecting your wisdom, and valuing your safety, we do not call upon you to trust your existence to your enemies. We do not advise you to an unconditional submission. With satisfaction we assure you that almost all in both Houses (however unhappily they have been deluded, so as not to give any immediate effect to their opinion) disclaim that idea. You can have no friends in whom you cannot rationally confide. But Parliament is your friend from the moment in which, removing its confidence from those who have constantly deceived its good intentions, it adopts the sentiments of those who have made sacrifices, (inferior, indeed, to yours,) but have, however, sacrificed enough to demonstrate the sincerity of their regard and value for your liberty and prosperity.

Arguments may be used to weaken your confidence in that public security; because, from some unpleasant appearances, there is a suspicion that Parliament itself is somewhat fallen from its independent spirit. How far this supposition may be founded in fact we are unwilling to determine. But we are well assured from experience, that, even if all were true that is contended for, and in the extent, too, in which it is argued, yet, as long as the solid and well-disposed forms of this Constitution remain, there ever is within Parliament itself a power of renovating its principles, and effecting a self-reformation, which no other plan of government has ever contained. This Constitution has therefore admitted innumerable improvements, either for the correction of the original scheme, or for removing corruptions, or for bringing its principles better to suit those changes which have successively happened in the

circumstances of the nation or in the manners of the people.

We feel that the growth of the colonies is such a change of circumstances, and that our present dispute is an exigency as pressing as any which ever demanded a revision of our government. Public troubles have often called upon this country to look into its Constitution. It has ever been bettered by such a revision. If our happy and luxuriant increase of dominion, and our diffused population, have outgrown the limits of a Constitution made for a contracted object, we ought to bless God, who has furnished us with this noble occasion for displaying our skill and beneficence in enlarging the scale of rational happiness, and of making the politic generosity of this kingdom as extensive as its fortune. If we set about this great work, on both sides, with the same conciliatory turn of mind, we may now, as in former times, owe even to our mutual mistakes, contentions, and animosities, the lasting concord, freedom, happiness, and glory of this empire.

Gentlemen, the distance between us, with other obstructions, has caused much misrepresentation of our mutual sentiments. We, therefore, to obviate them as well as we are able, take this method of assuring you of our thorough detestation of the whole war, and particularly the mercenary and savage war carried on or attempted against you, — our thorough abhorrence of all addresses adverse to you, whether public or private, — our assurances of an invariable affection towards you, — our constant regard to your privileges and liberties, — and our opinion of the solid security you ought to en-

joy for them, under the paternal care and nurture of a protecting Parliament.

Though many of us have earnestly wished that the authority of that august and venerable body, so necessary in many respects to the union of the whole, should be rather limited by its own equity and discretion than by any bounds described by positive laws and public compacts, — and though we felt the extreme difficulty, by any theoretical limitations, of qualifying that authority, so as to preserve one part and deny another, — and though you (as we gratefully acknowledge) had acquiesced most cheerfully under that prudent reserve of the Constitution, at that happy moment when neither you nor we apprehended a further return of the exercise of invidious powers, we are now as fully persuaded as you can be, by the malice, inconstancy, and perverse inquietude of many men, and by the incessant endeavors of an arbitrary faction, now too powerful, that our common necessities do require a full explanation and ratified security for your liberties and our quiet.

Although his Majesty's condescension, in committing the direction of his affairs into the hands of the known friends of his family and of the liberties of all his people, would, we admit, be a great means of giving repose to your minds, as it must give infinite facility to reconciliation, yet we assure you that we think, with such a security as we recommend, adopted from necessity and not choice, even by the unhappy authors and instruments of the public misfortunes, that the terms of reconciliation, if once accepted by Parliament, would not be broken. We also pledge ourselves to you, that we should give,

even to those unhappy persons, an hearty support in effectuating the peace of the empire, and every opposition in an attempt to cast it again into disorder.

When that happy hour shall arrive, let us in all affection recommend to you the wisdom of continuing, as in former times, or even in a more ample measure, the support of your government, and even to give to your administration some degree of reciprocal interest in your freedom. We earnestly wish you not to furnish your enemies, here or elsewhere, with any sort of pretexts for reviving quarrels by too reserved and severe or penurious an exercise of those sacred rights which no pretended abuse in the exercise ought to impair, nor, by overstraining the principles of freedom, to make them less compatible with those haughty sentiments in others which the very same principles may be apt to breed in minds not tempered with the utmost equity and justice.

The well-wishers of the liberty and union of this empire salute you, and recommend you most heartily to the Divine protection.

A

LETTER

TO

THE RIGHT HON. EDMUND S. PERY

SPEAKER OF THE IRISH HOUSE OF COMMONS,

IN RELATION TO

A BILL FOR THE RELIEF OF THE ROMAN CATHOLICS OF IRELAND.

JULY 18, 1778.

NOTE.

THIS Letter is addressed to Mr. Pery, (afterwards Lord Pery,) then Speaker of the House of Commons of Ireland. It appears, there had been much correspondence between that gentleman and Mr. Burke, on the subject of heads of a bill (which had passed the Irish House of Commons in the summer of the year 1778, and had been transmitted by the Irish Privy Council of [to?] England) for the relief of his Majesty's Roman Catholic subjects in Ireland. The bill contained a clause for exempting the Protestant Dissenters of Ireland from the sacramental test, which created a strong objection to the whole measure on the part of the English government. Mr. Burke employed his most strenuous efforts to remove the prejudice which the king's ministers entertained against the clause, but the bill was ultimately returned without it, and in that shape passed the Irish Parliament. (17th and 18th Geo. III. cap. 49.) In the subsequent session, however, a separate act was passed for the relief of the Protestant Dissenters of Ireland.

LETTER.

MY DEAR SIR, — I received in due course your two very interesting and judicious letters, which gave me many new lights, and excited me to fresh activity in the important subject they related to. However, from that time I have not been perfectly free from doubt and uneasiness. I used a liberty with those letters, which, perhaps, nothing can thoroughly justify, and which certainly nothing but the delicacy of the crisis, the clearness of my intentions, and your great good-nature can at all excuse. I might conceal this from you; but I think it better to lay the whole matter before you, and submit myself to your mercy, — assuring you, at the same time, that, if you are so kind as to continue your confidence on this, or to renew it upon any other occasion, I shall never be tempted again to make so bold and unauthorized an use of the trust you place in me. I will state to you the history of the business since my last, and then you will see how far I am excusable by the circumstances.

On the 3rd of July I received a letter from the Attorney-General, dated the day before, in which, in a very open and obliging manner, he desires my thoughts of the Irish Toleration Bill, and particularly of the Dissenters' clause. I gave them to him, by the return of the post, at large; but, as the time pressed, I kept no copy of the letter. The general

drift was strongly to recommend the *whole*, and principally to obviate the objections to the part that related to the Dissenters, with regard both to the general propriety and to the temporary policy at this juncture. I took, likewise, a good deal of pains to state the difference which had always subsisted with regard to the treatment of the Protestant Dissenters in Ireland and in England, and what I conceived the reason of that difference to be. About the same time I was called to town for a day; and I took an opportunity, in Westminster Hall, of urging the same points, with all the force I was master of, to the Solicitor-General. I attempted to see the Chancellor for the same purpose, but was not fortunate enough to meet him at home. Soon after my return hither, on Tuesday, I received a very polite and I may say friendly letter from him, wishing me (on supposition that I had continued in town) to dine with him as [on?] that day, in order to talk over the business of the Toleration Act, then before him. Unluckily I had company with me, and was not able to leave them until Thursday, when I went to town and called at his house, but missed him. However, in answer to his letter, I had before, and instantly on the receipt of it, written to him at large, and urged such topics, both with regard to the Catholics and Dissenters, as I imagined were the most likely to be prevalent with him. This letter I followed to town on Thursday. On my arrival I was much alarmed with a report that the ministry had thoughts of rejecting the whole bill. Mr. M'Namara seemed apprehensive that it was a determined measure; and there seemed to be but too much reason for his fears.

Not having met the Chancellor at home, either on

my first visit or my second after receiving his letter, and fearful that the Cabinet should come to some unpleasant resolution, I went to the Treasury on Friday. There I saw Sir G. Cooper. I possessed him of the danger of a partial, and the inevitable mischief of the total rejection of the bill. I reminded him of the understood compact between parties, upon which the whole scheme of the toleration originating in the English bill was formed, — of the fair part which the Whigs had acted in a business which, though first started by them, was supposed equally acceptable to all sides, and the risk of which they took upon themselves, when others declined it. To this I added such matter as I thought most fit to engage government, as government, — not to sport with a singular opportunity which offered for the union of every description of men amongst us in support of the common interest of the whole; and I ended by desiring to see Lord North upon the subject. Sir Grey Cooper showed a very right sense of the matter, and in a few minutes after our conversation I went down from the Treasury chambers to Lord North's house. I had a great deal of discourse with him. He told me that his ideas of toleration were large, but that, large as they were, they did not comprehend a promiscuous establishment, even in matters merely civil; that he thought the established religion ought to be the religion of the state; that, in this idea, he was not for the repeal of the sacramental test; that, indeed, he knew the Dissenters in general did not greatly scruple it; but that very want of scruple showed less zeal against the Establishment; and, after all, there could no provision be made by human laws against those who made light of the tests which

were formed to discriminate opinions. On all this he spoke with a good deal of temper. He did not, indeed, seem to think the test itself, which was rightly considered by Dissenters as in a manner dispensed with by an annual act of Parliament, and which in Ireland was of a late origin, and of much less extent than here, a matter of much moment. The thing which seemed to affect him most was the offence that would be taken at the repeal by the leaders among the Church clergy here, on one hand, and, on the other, the steps which would be taken for its repeal in England in the next session, in consequence of the repeal in Ireland. I assured him, with great truth, that we had no idea among the Whigs of moving the repeal of the test. I confessed very freely, for my own part, that, if it were brought in, I should certainly vote for it; but that I should neither use, nor did I think applicable, any arguments drawn from the analogy of what was done in other parts of the British dominions. We did not argue from analogy, even in this island and United Kingdom. Presbytery was established in Scotland. It became no reason either for its religious or civil establishment here. In New England the Independent Congregational Churches had an established legal maintenance; whilst that country continued part of the British empire, no argument in favor of Independency was adduced from the practice of New England. Government itself lately thought fit to establish the Roman Catholic religion in Canada; but they would not suffer an argument of analogy to be used for its establishment anywhere else. These things were governed, as all things of that nature are governed, not by general maxims, but their own local and peculiar cir-

cumstances. Finding, however, that, though he was very cool and patient, I made no great way in the business of the Dissenters, I turned myself to try whether, falling in with his maxims, some modification might not be found, the hint of which I received from your letter relative to the Irish Militia Bill, and the point I labored was so to alter the clause as to repeal the test *quoad* military and revenue offices: for these being only subservient parts in the economy and execution, rather than the administration of affairs, the politic, civil, and judicial parts would still continue in the hands of the conformists to religious establishments. Without giving any hopes, he, however, said that this distinction deserved to be considered. After this, I strongly pressed the mischief of rejecting the whole bill: that a notion went abroad, that government was not at this moment very well pleased with the Dissenters, as not very well affected to the monarchy; that, in general, I conceived this to be a mistake, — but if it were not, the rejection of a bill in favor *of others*, because something in favor of *them* was inserted, instead of humbling and mortifying, would infinitely exalt them: for, if the legislature had no means of favoring those whom they meant to favor, as long as the Dissenters could find means to get themselves included, this would make them, instead of their only being subject to restraint themselves, the arbitrators of the fate of others, and that not so much by their own strength (which could not be prevented in its operation) as by the coöperation of those whom they opposed. In the conclusion, I recommended, that, if they wished well to the measure which was the main object of the bill, they must explicitly make it their own, and stake themselves

upon it; that hitherto all their difficulties had arisen from their indecision and their wrong measures; and to make Lord North sensible of the necessity of giving a firm support to some part of the bill, and to add weighty authority to my reasons, I read him your letter of the 10th of July. It seemed, in some measure, to answer the purpose which I intended. I pressed the necessity of the management of the affair, both as to conduct and as to gaining of men; and I renewed my former advice, that the Lord Lieutenant should be instructed to consult and coöperate with you in the whole affair. All this was, apparently, very fairly taken.

In the evening of that day I saw the Lord Chancellor. With him, too, I had much discourse. You know that he is intelligent, sagacious, systematic, and determined. At first he seemed of opinion that the relief contained in the bill was so inadequate to the mass of oppression it was intended to remove, that it would be better to let it stand over, until a more perfect and better digested plan could be settled. This seemed to possess him very strongly. In order to combat this notion, and to show that the bill, all things considered, was a very great acquisition, and that it was rather a preliminary than an obstruction to relief, I ventured to show him your letter. It had its effect. He declared himself roundly against giving anything to a confederacy, real or apparent, to distress government; that, if anything was done for Catholics or Dissenters, it should be done on its own separate merits, and not by way of bargain and compromise; that they should be each of them obliged to government, not each to the other; that this would be a perpetual nursery of faction. In a word, he

seemed so determined on not uniting these plans, that all I could say, and I said everything I could think of, was to no purpose. But when I insisted on the disgrace to government which must arise from their rejecting a proposition recommended by themselves, because their opposers had made a mixture, separable too by themselves, I was better heard. On the whole, I found him well disposed.

As soon as I had returned to the country, this affair lay so much on my mind, and the absolute necessity of government's making a serious business of it, agreeably to the seriousness they professed, and the object required, that I wrote to Sir G. Cooper, to remind him of the principles upon which we went in our conversation, and to press the plan which was suggested for carrying them into execution. He wrote to me on the 20th, and assured me, "that Lord North had given all due attention and respect to what you said to him on Friday, and will pay the same respect to the sentiments conveyed in your letter: everything you say or write on the subject undoubtedly demands it." Whether this was mere civility, or showed anything effectual in their intentions, time and the success of this measure will show. It is wholly with them; and if it should fail, you are a witness that nothing on our part has been wanting to free so large a part of our fellow-subjects and fellow-citizens from slavery, and to free government from the weakness and danger of ruling them by force. As to my own particular part, the desire of doing this has betrayed me into a step which I cannot perfectly reconcile to myself. You are to judge how far, on the circumstances, it may be excused. I think it had a good effect. You may be assured that I made this

communication in a manner effectually to exclude so false and groundless an idea as that I confer with you, any more than I confer with them, on any party principle whatsoever, — or that in this affair we look further than the measure which is in profession, and I am sure ought to be in reason, theirs.

I am ever, with the sincerest affection and esteem,

My dear Sir,

Your most faithful and obedient humble servant,

EDMUND BURKE.

BEACONSFIELD, 18th July, 1778.

I intended to have written sooner, but it has not been in my power.

To the Speaker of the House of Commons of Ireland.

TWO LETTERS

TO

THOMAS BURGH, ESQ.,

AND

JOHN MERLOTT, ESQ.,

IN VINDICATION OF HIS PARLIAMENTARY CONDUCT RELATIVE TO THE AFFAIRS OF IRELAND.

1780.

LETTER

TO THOMAS BURGH, ESQ.*

MY DEAR SIR, — I do not know in what manner I am to thank you properly for the very friendly solicitude you have been so good as to express for my reputation. The concern you have done me the honor to take in my affairs will be an ample indemnity from all that I may suffer from the rapid judgments of those who choose to form their opinions of men, not from the life, but from their portraits in a newspaper. I confess to you that my frame of mind is so constructed, I have in me so little of the constitution of a great man, that I am more gratified with a very moderate share of approbation from those few who know me than I should be with the most clamorous applause from those multitudes who love to admire at a due distance.

I am not, however, Stoic enough to be able to affirm with truth, or hypocrite enough affectedly to pretend, that I am wholly unmoved at the difficulty

* Mr. Thomas Burgh, of Old Town, was a member of the House of Commons in Ireland. — It appears from a letter written by this gentleman to Mr. Burke, December 24, 1779, and to which the following is an answer, that the part Mr. Burke had taken in the discussion which the affairs of Ireland had undergone in the preceding sessions of Parliament in England had been grossly misrepresented and much censured in Ireland.

which you and others of my friends in Ireland have found in vindicating my conduct towards my native country. It undoubtedly hurts me in some degree: but the wound is not very deep. If I had sought popularity in Ireland, when, in the cause of that country, I was ready to sacrifice, and did sacrifice, a much nearer, a much more immediate, and a much more advantageous popularity here, I should find myself perfectly unhappy, because I should be totally disappointed in my expectations, — because I should discover, when it was too late, what common sense might have told me very early, that I risked the capital of my fame in the most disadvantageous lottery in the world. But I acted then, as I act now, and as I hope I shall act always, from a strong impulse of right, and from motives in which popularity, either here or there, has but a very little part.

With the suppórt of that consciousness I can bear a good deal of the coquetry of public opinion, which has her caprices, and must have her way. *Miseri, quibus intentata nitet!* I, too, have had my holiday of popularity in Ireland. I have even heard of an intention to erect a statue.* I believe my intimate acquaintance know how little that idea was encouraged by me; and I was sincerely glad that it never took effect. Such honors belong exclusively to the tomb, — the natural and only period of human inconstancy, with regard either to desert or to opinion: for they are the very same hands which erect, that very frequently (and sometimes with reason enough) pluck down the statue. Had such an unmerited and un-

* This intention was communicated to Mr. Burke in a letter from Mr. Pery, the Speaker of the House of Commons in Ireland.

looked-for compliment been paid to me two years ago, the fragments of the piece might at this hour have the advantage of seeing actual service, while they were moving, according to the law of projectiles, to the windows of the Attorney-General, or of my old friend, Monk Mason.

To speak seriously, — let me assure you, my dear Sir, that, though I am not permitted to rejoice at *all* its effects, there is not one man on your side of the water more pleased to see the situation of Ireland so prosperous as that she can afford to throw away her friends. She has obtained, solely by her own efforts, the fruits of a great victory, which I am very ready to allow that the best efforts of her best well-wishers here could not have done for her so effectually in a great number of years, and perhaps could not have done at all. I could wish, however, merely for the sake of her own dignity, that, in turning her poor relations and antiquated friends out of doors, (though one of the most common effects of new prosperity,) she had thought proper to dismiss us with fewer tokens of unkindness. It is true that there is no sort of danger in affronting men who are not of importance enough to have any trust of ministerial, of royal, or of national honor to surrender. The unforced and unbought services of humble men, who have no medium of influence in great assemblies, but through the precarious force of reason, must be looked upon with contempt by those who by their wisdom and spirit have improved the critical moment of their fortune, and have debated with authority against pusillanimous dissent and ungracious compliance, at the head of forty thousand men.

Such feeble auxiliaries (as I talk of) to such a

force, employed against such resistance, I must own, in the present moment, very little worthy of your attention. Yet, if one were to look forward, it scarcely seems altogether politic to bestow so much liberality of invective on the Whigs of this kingdom as I find has been the fashion to do both in and out of Parliament. That you should pay compliments, in some tone or other, whether ironical or serious, to the minister from whose imbecility you have extorted what you could never obtain from his bounty, is not unnatural. In the first effusions of Parliamentary gratitude to that minister for the early and voluntary benefits he has conferred upon Ireland, it might appear that you were wanting to the triumph of his surrender, if you did not lead some of his enemies captive before him. Neither could you feast him with decorum, if his particular taste were not consulted. A minister, who has never defended his measures in any other way than by railing at his adversaries, cannot have his palate made all at once to the relish of positive commendation. I cannot deny but that on this occasion there was displayed a great deal of the good-breeding which consists in the accommodation of the entertainment to the relish of the guest.

But that ceremony being past, it would not be unworthy of the wisdom of Ireland to consider what consequences the extinguishing every spark of freedom in this country may have upon your own liberties. You are at this instant flushed with victory, and full of the confidence natural to recent and untried power. We are in a temper equally natural, though very different. We feel as men do, who, having placed an unbounded reliance on their force, have found it to

tally to fail on trial. We feel faint and heartless, and without the smallest degree of self-opinion. In plain words, we are *cowed*. When men give up their violence and injustice without a struggle, their condition is next to desperate. When no art, no management, no argument, is necessary to abate their pride and overcome their prejudices, and their uneasiness only excites an obscure and feeble rattling in their throat, their final dissolution seems not far off. In this miserable state we are still further depressed by the overbearing influence of the crown. It acts with the officious cruelty of a mercenary nurse, who, under pretence of tenderness, stifles us with our clothes, and plucks the pillow from our heads. *Injectu multæ vestis opprimi senem jubet.* Under this influence we have so little will of our own, that, even in any apparent activity we may be got to assume, I may say, without any violence to sense, and with very little to language, we are merely passive. We have yielded to your demands this session. In the last session we refused to prevent them. In both cases, the passive and the active, our principle was the same. Had the crown pleased to retain the spirit, with regard to Ireland, which seems to be now all directed to America, we should have neglected our own immediate defence, and sent over the last man of our militia to fight with the last man of your volunteers.

To this influence the principle of action, the principle of policy, and the principle of union of the present minority are opposed. These principles of the opposition are the only thing which preserves a single symptom of life in the nation. That opposition is composed of the far greater part of the independent property and independent rank of the kingdom,

of whatever is most untainted in character, and of whatever ability remains unextinguished in the people, and of all which tends to draw the attention of foreign countries upon this. It is now in its final and conclusive struggle. It has to struggle against a force to which, I am afraid, it is not equal. The *whole* kingdom of Scotland ranges with the venal, the unprincipled, and the wrong-principled of this; and if the kingdom of Ireland thinks proper to pass into the same camp, we shall certainly be obliged to quit the field. In that case, if I know anything of this country, another constitutional opposition *can never* be formed in it; and if this be impossible, it will be at least as much so (if there can be degrees in impossibility) to have a constitutional administration at any future time. The possibility of the former is the only security for the existence of the latter. Whether the present administration be in the least like one, I must venture to doubt, even in the honey-moon of the Irish fondness to Lord North, which has succeeded to all their slappings and scratchings.

If liberty cannot maintain its ground in this kingdom, I am sure that it cannot have any long continuance in yours. Our liberty might now and then jar and strike a discord with that of Ireland. The thing is possible: but still the instruments might play in concert. But if ours be unstrung, yours will be hung up on a peg, and both will be mute forever. Your new military force may give you confidence, and it serves well for a turn; but you and I know that it has not root. It is not perennial, and would prove but a poor shelter for your liberty, when this nation, having no interest in its own, could look

upon yours with the eye of envy and disgust. I cannot, therefore, help thinking, and telling you what with great submission I think, that, if the Parliament of Ireland be so jealous of the spirit of our common Constitution as she seems to be, it was not so discreet to mix with the panegyric on the minister so large a portion of acrimony to the independent part of this nation. You never received any sort of injury from them, and you are grown to that degree of importance that the discourses in your Parliament will have a much greater effect on our immediate fortune than our conversation can have upon yours. In the end they will seriously affect both.

I have looked back upon our conduct and our public conversations in order to discover what it is that can have given you offence. I have done so, because I am ready to admit that to offend you without any cause would be as contrary to true policy as I am sure it must be to the inclinations of almost every one of us. About two years ago Lord Nugent moved six propositions in favor of Ireland in the House of Commons. At the time of the motions, and during the debate, Lord North was either wholly out of the House, or engaged in other matters of business or pleasantry, in the remotest recesses of the West Saxon corner. He took no part whatsoever in the affair; but it was supposed his neutrality was more inclined towards the side of favor. The mover being a person in office was, however, the only indication that was given of such a leaning. We who supported the propositions, finding them better relished than at first we looked for, pursued our advantage, and began to open a way for more essen-

tial benefits to Ireland. On the other hand, those who had hitherto opposed them in vain redoubled their efforts, and became exceedingly clamorous. Then it was that Lord North found it necessary to come out of his fastness, and to interpose between the contending parties. In this character of mediator, he declared, that, if anything beyond the first six resolutions should be attempted, he would oppose the whole, but that, if we rested there, the original motions should have his support. On this a sort of convention took place between him and the managers of the Irish business, in which the six resolutions were to be considered as an *uti possidetis*, and to be held sacred.

By this time other parties began to appear. A good many of the trading towns, and manufactures of various kinds, took the alarm. Petitions crowded in upon one another, and the bar was occupied by a formidable body of council. Lord N. was staggered by this new battery. He is not of a constitution to encounter such an opposition as had then risen, when there were no other objects in view than those that were then before the House. In order not to lose him, we were obliged to abandon, bit by bit, the most considerable part of the original agreement.

In several parts, however, he continued fair and firm. For my own part, I acted, as I trust I commonly do, with decision. I saw very well that the things we had got were of no great consideration; but they were, even in their defects, somewhat leading. I was in hopes that we might obtain gradually and by parts what we might attempt at once and in the whole without success, — that one concession would lead to another, — and that the people of Eng-

land discovering by a progressive experience that none of the concessions actually made were followed by the consequences they had dreaded, their fears from what they were yet to yield would considerably diminish. But that to which I attached myself the most particularly was, to fix *the principle* of a free trade in all the ports of these islands, as founded in justice, and beneficial to the whole, but principally to this, the seat of the supreme power. And this I labored to the utmost of my might, upon general principles, illustrated by all the commercial detail with which my little inquiries in life were able to furnish me. I ought to forget such trifling things as those, with all concerning myself; and possibly I might have forgotten them, if the Lord Advocate of Scotland had not, in a very flattering manner, revived them in my memory, in a full House in this session. He told me that my arguments, such as they were, had made him, at the period I allude to, change the opinion with which he had come into the House strongly impressed. I am sure that at the time at least twenty more told me the same thing. I certainly ought not to take their style of compliment as a testimony to fact; neither do I. But all this showed sufficiently, not what they thought of my ability, but what they saw of my zeal. I could say more in proof of the effects of that zeal, and of the unceasing industry with which I then acted, both in my endeavors which were apparent and those that were not so visible. Let it be remembered that I showed those dispositions while the Parliament of England was in a capacity to deliberate and in a situation to refuse, when there was something to be risked here by being suspected of a partiality to Ireland, when there was an honorable danger attending

the profession of friendship to you, which heightened its relish, and made it worthy of a reception in manly minds. But as for the awkward and nauseous parade of debate without opposition, the flimsy device of tricking out necessity and disguising it in the habit of choice, the shallow stratagem of defending by argument what all the world must perceive is yielded to force, — these are a sort of acts of friendship which I am sorry that any of my countrymen should require of their real friends. They are things not *to my taste;* and if they are looked upon as tests of friendship, I desire for one that I may be considered as an enemy.

What party purpose did my conduct answer at that time? I acted with Lord N. I went to all the ministerial meetings, — and he and his associates in office will do me the justice to say, that, aiming at the concord of the empire, I made it my business to give his concessions all the value of which they were capable, whilst some of those who were covered with his favors derogated from them, treated them with contempt, and openly threatened to oppose them. If I had acted with my dearest and most valued friends, if I had acted with the Marquis of Rockingham or the Duke of Richmond, in that situation, I could not have attended more to their honor, or endeavored more earnestly to give efficacy to the measures I had taken in common with them. The return which I, and all who acted as I did, have met with from him, does not make me repent the conduct which I then held.

As to the rest of the gentlemen with whom I have the honor to act, they did not then, or at any other time, make a party affair of Irish politics. That matter was always taken up without concert; but,

in general, from the operation of our known liberal principles in government, in commerce, in religion, in everything, it was taken up favorably for Ireland. Where some local interests bore hard upon the members, they acted on the sense of their constituents, upon ideas which, though I do not always follow, I cannot blame. However, two or three persons, high in opposition, and high in public esteem, ran great risks in their boroughs on that occasion. But all this was without any particular plan. I need not say, that Ireland was in that affair much obliged to the liberal mind and enlarged understanding of Charles Fox, to Mr. Thomas Townshend, to Lord Midleton, and others. On reviewing that affair, which gave rise to all the subsequent manœuvres, I am convinced that the whole of what has this day been done might have then been effected. But then the minister must have taken it up as a great plan of national policy, and paid with his person in every lodgment of his approach. He must have used that influence to quiet prejudice, which he has so often used to corrupt principle: and I know, that, if he had, he must have succeeded. Many of the most active in opposition would have given him an unequivocal support. The corporation of London, and the great body of the London West India merchants and planters, which forms the greatest mass of that vast interest, were disposed to fall in with such a plan. They certainly gave no sort of discountenance to what was done or what was proposed. But these are not the kind of objects for which our ministers bring out the heavy artillery of the state. Therefore, as things stood at that time, a great deal more was not practicable.

Last year another proposition was brought out for the relief of Ireland. It was started without any communication with a single person of activity in the country party, and, as it should seem, without any kind of concert with government. It appeared to me extremely raw and undigested. The behavior of Lord N., on the opening of that business, was the exact transcript of his conduct on the Irish question in the former session. It was a mode of proceeding which his nature has wrought into the texture of his politics, and which is inseparable from them. He chose to absent himself on the proposition and during the agitation of that business, — although the business of the House is that alone for which he has any kind of relish, or, as I am told, can be persuaded to listen to with any degree of attention. But he was willing to let it take its course. If it should pass without any considerable difficulty, he would bring his acquiescence to tell for merit in Ireland, and he would have the credit, out of his indolence, of giving quiet to that country. If difficulties should arise on the part of England, he knew that the House was so well trained that he might at his pleasure call us off from the hottest scent. As he acted in his usual manner and upon his usual principle, opposition acted upon theirs, and rather generally supported the measure. As to myself, I expressed a disapprobation at the practice of bringing imperfect and indigested projects into the House, before means were used to quiet the clamors which a misconception of what we were doing might occasion at home, and before measures were settled with men of weight and authority in Ireland, in order to render our acts useful and acceptable

to that country. I said, that the only thing which could make the influence of the crown (enormous without as well as within the House) in any degree tolerable was, that it might be employed to give something of order and system to the proceedings of a popular assembly; that government being so situated as to have a large range of prospect, and as it were a bird's-eye view of everything, they might see distant dangers and distant advantages which were not so visible to those who stood on the common level; they might, besides, observe them, from this advantage, in their relative and combined state, which people locally instructed and partially informed could behold only in an insulated and unconnected manner; — but that for many years past we suffered under all the evils, without any one of the advantages of a government influence; that the business of a minister, or of those who acted as such, had been still further to contract the narrowness of men's ideas, to confirm inveterate prejudices, to inflame vulgar passions, and to abet all sorts of popular absurdities, in order the better to destroy popular rights and privileges; that, so far from methodizing the business of the House, they had let all things run into an inextricable confusion, and had left affairs of the most delicate policy wholly to chance.

After I had expressed myself with the warmth I felt on seeing all government and order buried under the ruins of liberty, and after I had made my protest against the insufficiency of the propositions, I supported the principle of enlargement at which they aimed, though short and somewhat wide of the mark, — giving, as my sole reason, that the more frequently these matters came into discussion, the more it

would tend to dispel fears and to eradicate prejudices.

This was the only part I took. The detail was in the hands of Lord Newhaven and Lord Beauchamp, with some assistance from Earl Nugent and some independent gentlemen of Irish property. The dead weight of the minister being removed, the House recovered its tone and elasticity. We had a temporary appearance of a deliberative character. The business was debated freely on both sides, and with sufficient temper. And the sense of the members being influenced by nothing but what will naturally influence men unbought, their reason and their prejudices, these two principles had a fair conflict, and prejudice was obliged to give way to reason. A majority appeared, on a division, in favor of the propositions.

As these proceedings got out of doors, Glasgow and Manchester, and, I think, Liverpool, began to move, but in a manner much more slow and languid than formerly. Nothing, in my opinion, would have been less difficult than entirely to have overborne their opposition. The London West India trade was, as on the former occasion, so on this, perfectly liberal and perfectly quiet; and there is abroad so much respect for the united wisdom of the House, when supposed to act upon a fair view of a political situation, that I scarcely ever remember any considerable uneasiness out of doors, when the most active members, and those of most property and consideration in the minority, have joined themselves to the administration. Many factious people in the towns I mentioned began, indeed, to revile Lord North, and to reproach his neutrality as treacherous and ungrateful to those

who had so heartily and so warmly entered into all his views with regard to America. That noble lord, whose decided character it is to give way to the latest and nearest pressure, without any sort of regard to distant consequences of any kind, thought fit to appear, on this signification of the pleasure of those his worthy friends and partisans, and, putting himself at the head of the *posse scaccarii*, wholly regardless of the dignity and consistency of our miserable House, drove the propositions entirely out of doors by a majority newly summoned to duty.

In order to atone to Ireland for this gratification to Manchester, he graciously permitted, or rather forwarded, two bills, — that for encouraging the growth of tobacco, and that for giving a bounty on exportation of hemp from Ireland. They were brought in by two very worthy members, and on good principles; but I was sorry to see them, and, after expressing my doubts of their propriety, left the House. Little also [else?] was said upon them. My objections were two: the first, that the cultivation of those weeds (if one of them could be at all cultivated to profit) was adverse to the introduction of a good course of agriculture; the other, that the encouragement given to them tended to establish that mischievous policy of considering Ireland as a country of staple, and a producer of raw materials.

When the rejection of the first propositions and the acceptance of the last had jointly, as it was natural, raised a very strong discontent in Ireland, Lord Rockingham,who frequently said that there never seemed a more opportune time for the relief of Ireland than that moment when Lord North had rejected all rational propositions for its relief, without consulting, I

believe, any one living, did what he is not often very willing to do; but he thought this an occasion of magnitude enough to justify an extraordinary step. He went into the closet, and made a strong representation on the matter to the king, which was not ill received, and I believe produced good effects. He then made the motion in the House of Lords which you may recollect; but he was content to withdraw all of censure which it contained, on the solemn promise of ministry, that they would in the recess of Parliament prepare a plan for the benefit of Ireland, and have it in readiness to produce at the next meeting. You may recollect that Lord Gower became in a particular manner bound for the fulfilling this engagement. Even this did not satisfy, and most of the minority were very unwilling that Parliament should be prorogued until something effectual on the subject should be done, — particularly as we saw that the distresses, discontents, and armaments of Ireland were increasing every day, and that we are not so much lost to common sense as not to know the wisdom and efficacy of early concession in circumstances such as ours.

The session was now at an end. The ministers, instead of attending to a duty that was so urgent on them, employed themselves, as usual, in endeavors to destroy the reputation of those who were bold enough to remind them of it. They caused it to be industriously circulated through the nation, that the distresses of Ireland were of a nature hard to be traced to the true source, that they had been monstrously magnified, and that, in particular, the official reports from Ireland had given the lie (that was their phrase) to Lord Rockingham's representations: and attributing the origin of the Irish proceedings wholly to us, they

asserted that everything done in Parliament upon the subject was with a view of stirring up rebellion; "that neither the Irish legislature nor their constituents had signified any dissatisfaction at the relief obtained in the session preceding the last; that, to convince both of the impropriety of their *peaceable* conduct, opposition, by making demands in the name of Ireland, pointed out what she might extort from Great Britain; that the facility with which relief was (formerly) granted, instead of satisfying opposition, was calculated to create new demands; these demands, as they *interfered* with the commerce of Great Britain, were *certain* of being opposed, — a circumstance which could not fail to create that desirable confusion which suits the views of the party; that they (the Irish) had long felt their own misery, *without knowing well from whence it came;* our worthy patriots, by *pointing out Great Britain* as the *cause of Irish distress*, may have some chance of rousing Irish resentment." This I quote from a pamphlet as perfectly contemptible in point of writing as it is false in its facts and wicked in its design: but as it is written under the authority of ministers, by one of their principal literary pensioners, and was circulated with great diligence, and, as I am credibly informed, at a considerable expense to the public, I use the words of that book to let you see in what manner the friends and patrons of Ireland, the heroes of your Parliament, represented all efforts for your relief here, what means they took to dispose the minds of the people towards that great object, and what encouragement they gave to all who should choose to exert themselves in your favor. Their unwearied endeavors were not wholly without success, and the unthink-

ing people in many places became ill-affected towards us on this account. For the ministers proceeded in your affairs just as they did with regard to those of America. They always represented you as a parcel of blockheads, without sense, or even feeling; that all your words were only the echo of faction here; and (as you have seen above) that you had not understanding enough to know that your trade was cramped by restrictive acts of the British Parliament, unless we had, for factious purposes, given you the information. They were so far from giving the least intimation of the measures which have since taken place, that those who were supposed the best to know their intentions declared them impossible in the actual state of the two kingdoms, and spoke of nothing but an act of union, as the only way that could be found of giving freedom of trade to Ireland, consistently with the interests of this kingdom. Even when the session opened, Lord North declared that he did not know what remedy to apply to a disease of the cause of which he was ignorant; and ministry not being then entirely resolved how far they should submit to your energy, they, by anticipation, set the above author or some of his associates to fill the newspapers with invectives against us, as distressing the minister by extravagant demands in favor of Ireland.

I need not inform you, that everything they asserted of the steps taken in Ireland, as the result of our machinations, was utterly false and groundless. For myself, I seriously protest to you, that I neither wrote a word or received a line upon any matter relative to the trade of Ireland, or to the politics of it, from the beginning of the last session to the day that I was honored with your letter. It would be an af-

front to the talents in the Irish Parliament to say one word more.

What was done in Ireland during that period, in and out of Parliament, never will be forgotten. You raised an army new in its kind and adequate to its purposes. It effected its end without its exertion. It was not under the authority of law, most certainly, but it derived from an authority still higher; and as they say of faith, that it is not contrary to reason, but above it, so this army did not so much contradict the spirit of the law as supersede it. What you did in the legislative body is above all praise. By your proceeding with regard to the supplies, you revived the grand use and characteristic benefit of Parliament, which was on the point of being entirely lost amongst us. These sentiments I never concealed, and never shall; and Mr. Fox expressed them with his usual power, when he spoke on the subject.

All this is very honorable to you. But in what light must we see it? How are we to consider your armament without commission from the crown, when some of the first people in *this* kingdom have been refused arms, at the time they did not only not reject, but solicited the king's commissions? Here to arm and embody would be represented as little less than high treason, if done on private authority: with you it receives the thanks of a Privy Counsellor of Great Britain, who obeys the Irish House of Lords in that point with pleasure, and is made Secretary of State, the moment he lands here, for his reward. You shortened the credit given to the crown to six months; you hung up the public credit of your kingdom by a thread; you refused to raise any taxes, whilst you confessed the public debt and public exigencies to

be great and urgent beyond example. You certainly acted in a great style, and on sound and invincible principles. But if we in the opposition, which fills Ireland with such loyal horrors, had even attempted, what we never did even attempt, the smallest delay or the smallest limitation of supply, in order to a constitutional coercion of the crown, we should have been decried by all the court and Tory mouths of this kingdom, as a desperate faction, aiming at the direct ruin of the country, and to surrender it bound hand and foot to a foreign enemy. By actually doing what we never ventured to attempt, you have paid your court with such address, and have won so much favor with his Majesty and his cabinet, that they have, of their special grace and mere motion, raised you to new titles, and, for the first time, in a speech from the throne, complimented you with the appellation of "faithful and loyal," — and, in order to insult our low-spirited and degenerate obedience, have thrown these epithets and your resistance together in our teeth! What do you think were the feelings of every man who looks upon Parliament in an higher light than that of a market-overt for legalizing a base traffic of votes and pensions, when he saw you employ such means of coercion to the crown, in order to coerce our Parliament through *that* medium? How much his Majesty is pleased with *his* part of the civility must be left to his own taste. But as to us, you declared to the world that you knew that the way of bringing us to reason was to apply yourselves to the true source of all our opinions and the only motive to all our conduct! Now, it seems, you think yourselves affronted, because a few of us express some indignation at the minister who has thought fit to strip us

stark naked, and expose the true state of our poxed and pestilential habit to the world! Think or say what you will in Ireland, I shall ever think it a crime hardly to be expiated by his blood. He might, and ought, by a longer continuance or by an earlier meeting of this Parliament, to have given us the credit of some wisdom in foreseeing and anticipating an approaching force. So far from it, Lord Gower, coming out of his own cabinet, declares that one principal cause of his resignation was his not being able to prevail on the present minister to give any sort of application to this business. Even on the late meeting of Parliament, nothing determinate could be drawn from him, or from any of his associates, until you had actually passed the short money bill, — which measure they flattered themselves, and assured others, you would never come up to. Disappointed in their expectation at [of?] seeing the siege raised, they surrendered at discretion.

Judge, my dear Sir, of our surprise at finding your censure directed against those whose only crime was in accusing the ministers of not having prevented your demands by our graces, of not having given you the natural advantages of your country in the most ample, the most early, and the most liberal manner, and for not having given away authority in such a manner as to insure friendship. That you should make the panegyric of the ministers is what I expected; because, in praising their bounty, you paid a just compliment to your own force. But that you should rail at us, either individually or collectively, is what I can scarcely think a natural proceeding. I can easily conceive that gentlemen might grow frightened at what they had done, — that they might im-

agine they had undertaken a business above their direction, — that, having obtained a state of independence for their country, they meant to take the deserted helm into their own hands, and supply by their very real abilities the total inefficacy of the nominal government. All these might be real, and might be very justifiable motives for their reconciling themselves cordially to the present court system. But I do not so well discover the reasons that could induce them, at the first feeble dawning of life in this country, to do all in their power to cast a cloud over it, and to prevent the least hope of our effecting the necessary reformations which are aimed at in our Constitution and in our national economy.

But, it seems, I was silent at the passing the resolutions. Why, what had I to say? If I had thought them too much, I should have been accused of an endeavor to inflame England. If I should represent them as too little, I should have been charged with a design of fomenting the discontents of Ireland into actual rebellion. The Treasury bench represented that the affair was a matter of state: they represented it truly. I therefore only asked whether they knew these propositions to be such as would satisfy Ireland; for if they were so, they would satisfy me. This did not indicate that I thought them too ample. In this our silence (however dishonorable to Parliament) there was one advantage, — that the whole passed, as far as it is gone, with complete unanimity, and so quickly that there was no time left to excite any opposition to it out of doors. In the West India business, reasoning on what had lately passed in the Parliament of Ireland, and on the mode in which it was opened here, I thought I saw much matter of

perplexity. But I have now better reason than ever to be pleased with my silence. If I had spoken, one of the most honest and able men * in the Irish Parliament would probably have thought my observation an endeavor to sow dissension, which he was resolved to prevent, — and one of the most ingenious and one of the most amiable men † that ever graced yours or any House of Parliament might have looked on it as a chimera. In the silence I observed, I was strongly countenanced (to say no more of it) by every gentleman of Ireland that I had the honor of conversing with in London. The only word, for that reason, which I spoke, was to restrain a worthy county member, ‡ who had received some communication from a great trading place in the county he represents, which, if it had been opened to the House, would have led to a perplexing discussion of one of the most troublesome matters that could arise in this business. I got up to put a stop to it; and I believe, if you knew what the topic was, you would commend my discretion.

That it should be a matter of public discretion in me to be silent on the affairs of Ireland is what on all accounts I bitterly lament. I stated to the House what I felt; and I felt, as strongly as human sensibility can feel, the extinction of my Parliamentary capacity, where I wished to use it most. When I came into this Parliament, just fourteen years ago, — into this Parliament, then, in vulgar opinion at least, the presiding council of the greatest empire existing, (and perhaps, all things considered, that ever did exist,) obscure and a stranger as I was, I consid-

* Mr. Grattan. † Mr. Hussey Burgh

‡ Mr. Stanley, member for Lancashire.

ered myself as raised to the highest dignity to which a creature of our species could aspire. In that opinion, one of the chief pleasures in my situation, what was first and uppermost in my thoughts, was the hope, without injury to this country, to be somewhat useful to the place of my birth and education, which in many respects, internal and external, I thought ill and impolitically governed. But when I found that the House, surrendering itself to the guidance of an authority, not grown out of an experienced wisdom and integrity, but out of the accidents of court favor, had become the sport of the passions of men at once rash and pusillanimous, — that it had even got into the habit of refusing everything to reason and surrendering everything to force, all my power of obliging either my country or individuals was gone, all the lustre of my imaginary rank was tarnished, and I felt degraded even by my elevation. I said this, or something to this effect. If it gives offence to Ireland, I am sorry for it: it was the reason I gave for my silence; and it was, as far as it went, the true one.

With you, this silence of mine and of others was represented as factious, and as a discountenance to the measure of your relief. Do you think us children? If it had been our wish to embroil matters, and, for the sake of distressing ministry, to commit the two kingdoms in a dispute, we had nothing to do but (without at all condemning the propositions) to have gone into the commercial detail of the objects of them. It could not have been refused to us: and you, who know the nature of business so well, must know that this would have caused such delays, and given rise during that delay to such discussions, as

all the wisdom of your favorite minister could never have settled. But, indeed, you mistake your men. We tremble at the idea of a disunion of these two nations. The only thing in which we differ with you is this, — that we do not think your attaching yourselves to the court and quarrelling with the independent part of this people is the way to promote the union of two free countries, or of holding them together by the most natural and salutary ties.

You will be frightened, when you see this long letter. I smile, when I consider the length of it myself. I never, that I remember, wrote any of the same extent. But it shows me that the reproaches of the country that I once belonged to, and in which I still have a dearness of instinct more than I can justify to reason, make a greater impression on me than I had imagined. But parting words are admitted to be a little tedious, because they are not likely to be renewed. If it will not be making yourself as troublesome to others as I am to you, I shall be obliged to you, if you will show this, at their greatest leisure, to the Speaker, to your excellent kinsman, to Mr. Grattan, Mr. Yelverton, and Mr. Daly: all these I have the honor of being personally known to, except Mr. Yelverton, to whom I am only known by my obligations to him. If you live in any habits with my old friend, the Provost, I shall be glad that he, too, sees this my humble apology.

Adieu! once more accept my best thanks for the interest you take in me. Believe that it is received by an heart not yet so old as to have lost its susceptibility. All here give you the best old-fashioned

wishes of the season; and believe me, with the greatest truth and regard,

My dear Sir,

Your most faithful and obliged humble servant,

EDMUND BURKE.

BEACONSFIELD, New Year's Day, 1780.

I am frightened at the trouble I give you and our friends; but I recollect that you are mostly lawyers, and habituated to read long, tiresome papers — and, where your friendship is concerned, without a fee; I am sure, too, that you will not act the lawyer in scrutinizing too minutely every expression which my haste may make me use. I forgot to mention my friend O'Hara, and others; but you will communicate it as you please.

LETTER

TO JOHN MERLOTT, ESQ.*

DEAR SIR, — I am very unhappy to find that my conduct in the business of Ireland, on a former occasion, had made many to be cold and indifferent who would otherwise have been warm in my favor. I really thought that events would have produced a quite contrary effect, and would have proved to all the inhabitants of Bristol that it was no desire of opposing myself to their wishes, but a certain knowledge of the necessity of their affairs, and a tender regard to their honor and interest, which induced me to take the part which I then took. They placed me in a situation which might enable me to discern what was fit to be done, on a consideration of the relative circumstances of this country and all its neighbors. This was what you could not so well do yourselves; but you had a right to expect that I should avail myself of the advantage which I derived from your favor. Under the impression of this duty and this trust, I had endeavored to render, by preventive graces and concessions, every act of power at the same time an act of lenity, — the result of English bounty, and not of English timidity and distress. I really flattered myself that the events

* An eminent merchant in the city of Bristol, of which Mr. Burke was one of the representatives in Parliament. — It relates to the same subject as the preceding Letter.

which have proved beyond dispute the prudence of such a maxim would have obtained pardon for me, if not approbation. But if I have not been so fortunate, I do most sincerely regret my great loss, — with this comfort, however, that, if I have disobliged my constituents, it was not in pursuit of any sinister interest or any party passion of my own, but in endeavoring to save them from disgrace, along with the whole community to which they and I belong. I shall be concerned for this, and very much so; but I should be more concerned, if, in gratifying a present humor of theirs, I had rendered myself unworthy of their former or their future choice. I confess that I could not bear to face my constituents at the next general election, if I had been a rival to Lord North in the glory of having refused some small, insignificant concessions, in favor of Ireland, to the arguments and supplications of English members of Parliament, — and in the very next session, on the demand of forty thousand Irish bayonets, of having made a speech of two hours long to prove that my former conduct was founded upon no one right principle, either of policy, justice, or commerce. I never heard a more elaborate, more able, more convincing, and more shameful speech. The debater obtained credit, but the statesman was disgraced forever. Amends were made for having refused small, but timely concessions, by an unlimited and untimely surrender, not only of every one of the objects of former restraints, but virtually of the whole legislative power itself which had made them. For it is not necessary to inform you, that the unfortunate Parliament of this kingdom did not dare to qualify the very liberty she gave of trading with

her *own* plantations, by applying, of her *own* authority, any one of the commercial regulations to the new traffic of Ireland, which bind us here under the several Acts of Navigation. We were obliged to refer them to the Parliament of Ireland, as conditions, just in the same manner as if we were bestowing a privilege of the same sort on France and Spain, or any other independent power, and, indeed, with more studied caution than we should have used, not to shock the principle of their independence. How the minister reconciled the refusal to reason, and the surrender to arms raised in defiance of the prerogatives of the crown, to his master, I know not: it has probably been settled, in some way or other, between themselves. But however the king and his ministers may settle the question of his dignity and his rights, I thought it became me, by vigilance and foresight, to take care of yours: I thought I ought rather to lighten the ship in time than expose it to a total wreck. The conduct pursued seemed to me without weight or judgment, and more fit for a member for Banbury than a member for Bristol. I stood, therefore, silent with grief and vexation, on that day of the signal shame and humiliation of this degraded king and country. But it seems the pride of Ireland, in the day of her power, was equal to ours, when we dreamt we were powerful too. I have been abused there even for my silence, which was construed into a desire of exciting discontent in England. But, thank God, my letter to Bristol was in print, my sentiments on the policy of the measure were known and determined, and such as no man could think me absurd enough to contradict. When I am no longer a free agent, I am obliged in the crowd

to yield to necessity: it is surely enough that I silently submit to power; it is enough that I do not foolishly affront the conqueror; it is too hard to force me to sing his praises, whilst I am led in triumph before him,—or to make the panegyric of our own minister, who would put me neither in a condition to surrender with honor or to fight with the smallest hope of victory. I was, I confess, sullen and silent on that day,—and shall continue so, until I see some disposition to inquire into this and other causes of the national disgrace. If I suffer in my reputation for it in Ireland, I am sorry; but it neither does nor can affect me so nearly as my suffering in Bristol for having wished to unite the interests of the two nations in a manner that would secure the supremacy of this.

Will you have the goodness to excuse the length of this letter? My earnest desire of explaining myself in every point which may affect the mind of any worthy gentleman in Bristol is the cause of it. To yourself, and to your liberal and manly notions, I know it is not so necessary. Believe me,

My dear Sir,

Your most faithful and obedient humble servant,

EDMUND BURKE.

BEACONSFIELD, April 4th, 1780.

To JOHN MERLOTT, Esq., Bristol.

LETTERS AND REFLECTIONS

ON THE

EXECUTIONS OF THE RIOTERS

IN 1780.

LETTERS.

To the Lord Chancellor.

MY LORD, — I hope I am not too late with the inclosed slight observations. If the execution already ordered cannot be postponed, might I venture to recommend that it should extend to one only? and then the plan suggested in the inclosed paper may, if your Lordship thinks well of it, take place, with such improvements as your better judgment may dictate. As to fewness of the executions, and the good effects of that policy, I cannot, for my own part, entertain the slightest doubt.

If you have no objection, and think it may not occupy more of his Majesty's time than such a thing is worth, I should not be sorry that the inclosed was put into the king's hands.

I have the honor to be, my Lord,
Your Lordship's most obedient humble servant,
EDMUND BURKE.

CHARLES STREET, July 10, 1780.

To the Earl Bathurst, Lord President of the Council.

MY LORD, —

I came to town but yesterday, and therefore did not learn more early the probable extent of the executions in consequence of the late disturbances. I

take the liberty of laying before you, with the sincerest deference to your judgment, what appeared to me very early as reasonable in this business. Further thoughts have since occurred to me. I confess my mind is under no small degree of solicitude and anxiety on the subject; I am fully persuaded that a proper use of mercy would not only recommend the wisdom and steadiness of government, but, if properly used, might be made a means of drawing out the principal movers in this wicked business, who have hitherto eluded your scrutiny. I beg pardon for this intrusion, and have the honor to be, with great regard and esteem,

My Lord,

Your Lordship's most obedient humble servant,

EDMUND BURKE.

CHARLES STREET, July 18, 1780.

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*To Sir Grey Cooper, Bart.**

DEAR SIR, —

According to your desire, I send you a copy of the few reflections on the subject of the present executions which occurred to me in the earliest period of the late disturbances, and which all my experience and observation since have most strongly confirmed. The executions, taking those which have been made, which are now ordered, and which may be the natural consequence of the convictions in Surrey, will be undoubtedly too many to answer any good purpose. Great slaughter attended the suppression of the tumults, and this ought to be taken in discount from the execution of the law. For God's sake entreat of

* One of the Secretaries of the Treasury.

Lord North to take a view of the sum total of the deaths, before any are ordered for execution; for by not doing something of this kind people are decoyed in detail into severities they never would have dreamed of, if they had the whole in their view at once. The scene in Surrey would have affected the hardest heart that ever was in an human breast. Justice and mercy have not such opposite interests as people are apt to imagine. I saw Lord Loughborough last night. He seemed strongly impressed with the sense of what necessity obliged him to go through, and I believe will enter into our ideas on the subject. On this matter you see that no time is to be lost. Before a final determination, the first thing I would recommend is, that, if the very next execution cannot be delayed, (by the way, I do not see why it may not,) it may be of but a single person, and that afterwards you should not exceed two or three; for it is enough for one riot, where the very act of Parliament on which you proceed is rather a little hard in its sanctions and its construction: not that I mean to complain of the latter as either new or strained, but it was rigid from the first.

I am, dear Sir,

Your most obedient humble servant,

EDMUND BURKE.

Tuesday, 18th July, 1780.

I really feel uneasy on this business, and should consider it as a sort of personal favor, if you do something to limit the extent and severity of the law on this point. Present my best compliments to Lord North, and if he thinks that I have had wishes to be serviceable to government on the late occasion, I shall

on my part think myself abundantly rewarded, if a few lives less than first intended should be saved [taken?]; I should sincerely set it down as a personal obligation, though the thing stands upon general and strong reason of its own.*

* It appears by the following extract from a letter written by the Earl of Mansfield to Mr. Burke, dated the 17th July, 1780, that these Reflections had also been communicated to him:—"I have received the honor of your letter and very judicious thoughts. Having been so greatly injured myself, I have thought it more decent not to attend the reports, and consequently have not been present at any deliberation upon the subject."

SOME THOUGHTS

ON THE APPROACHING EXECUTIONS,

HUMBLY OFFERED TO CONSIDERATION.

AS the number of persons convicted on account of the late unhappy tumults will probably exceed what any one's idea of vengeance or example would deliver to capital punishment, it is to be wished that the whole business, as well with regard to the number and description of those who are to suffer death as with regard to those who shall be delivered over to lighter punishment or wholly pardoned, should be entirely a work of reason.

It has happened frequently, in cases of this nature, that the fate of the convicts has depended more upon the accidental circumstance of their being brought earlier or later to trial than to any steady principle of equity applied to their several cases. Without great care and sobriety, criminal justice generally begins with anger and ends in negligence. The first that are brought forward suffer the extremity of the law, with circumstances of mitigation of their case; and after a time, the most atrocious delinquents escape merely by the satiety of punishment.

In the business now before his Majesty, the following thoughts are humbly submitted.

If I understand the temper of the public at this moment, a very great part of the lower and some of

the middling people of this city are in a very critical disposition, and such as ought to be managed with firmness and delicacy. In general, they rather approve than blame the principles of the rioters, though the better sort of them are afraid of the consequences of those very principles which they approve. This keeps their minds in a suspended and anxious state, which may very easily be exasperated by an injudicious severity into desperate resolutions, — or by weak measures on the part of government it may be encouraged to the pursuit of courses which may be of the most dangerous consequences to the public.

There is no doubt that the approaching executions will very much determine the future conduct of those people. They ought to be such as will humble, not irritate. Nothing will make government more awful to them than to see that it does not proceed by chance or under the influence of passion.

It is therefore proposed that no execution should be made until the number of persons which government thinks fit to try is completed. When the whole is at once under the eye, an examination ought to be made into the circumstances of every particular convict; and *six*, at the very utmost, of the fittest examples may then be selected for execution, who ought to be brought out and put to death on one and the same day, in six different places, and in the most solemn manner that can be devised. Afterwards great care should be taken that their bodies may not be delivered to their friends, or to others who may make them objects of compassion or even veneration: some instances of the kind have happened with regard to the bodies of those killed in the riots. The rest of the malefactors ought to be either condemned,

for larger [longer?] or shorter terms, to the lighters, houses of correction, service in the navy, and the like, according to the case.

This small number of executions, and all at one time, though in different places, is seriously recommended; because it is certain that a great havoc among criminals hardens rather than subdues the minds of people inclined to the same crimes, and therefore fails of answering its purpose as an example. Men who see their lives respected and thought of value by others come to respect that gift of God themselves. To have compassion for oneself, or to care, more or less, for one's own life, is a lesson to be learned just as every other; and I believe it will be found that conspiracies have been most common and most desperate where their punishment has been most extensive and most severe.

Besides, the least excess in this way excites a tenderness in the milder sort of people, which makes them consider government in an harsh and odious light. The sense of justice in men is overloaded and fatigued with a long series of executions, or with such a carnage at once as rather resembles a massacre than a sober execution of the laws. The laws thus lose their terror in the minds of the wicked, and their reverence in the minds of the virtuous.

I have ever observed that the execution of one man fixes the attention and excites awe; the execution of multitudes dissipates and weakens the effect: but men reason themselves into disapprobation and disgust; they compute more as they feel less; and every severe act which does not appear to be necessary is sure to be offensive.

In selecting the criminals, a very different line

ought to be followed from that recommended by the champions of the Protestant Association. They recommend that the offenders for plunder ought to be punished, and the offenders from principle spared. But the contrary rule ought to be followed. The ordinary executions, of which there are enough in conscience, are for the former species of delinquents; but such common plunderers would furnish no example in the present case, where the false or pretended principle of religion, which leads to crimes, is the very thing to be discouraged.

But the reason which ought to make these people objects of selection for punishment confines the selection to very few. For we must consider that the whole nation has been for a long time guilty of their crime. Toleration is a new virtue in any country. It is a late ripe fruit in the best climates. We ought to recollect the poison which, under the name of antidotes against Popery, and such like mountebank titles, has been circulated from our pulpits and from our presses, from the heads of the Church of England and the heads of the Dissenters. These publications, by degrees, have tended to drive all religion from our own minds, and to fill them with nothing but a violent hatred of the religion of other people, and, of course, with a hatred of their persons; and so, by a very natural progression, they have led men to the destruction of their goods and houses, and to attempts upon their lives.

This delusion furnishes no reason for suffering that abominable spirit to be kept alive by inflammatory libels or seditious assemblies, or for government's yielding to it, in the smallest degree, any point of justice, equity, or sound policy. The king certainly

ought not to give up any part of his subjects to the prejudices of another. So far from it, I am clearly of opinion that on the late occasion the Catholics ought to have been taken, more avowedly than they were, under the protection of government, as the Dissenters had been on a similar occasion.

But though we ought to protect against violence the bigotry of others, and to correct our own too, if we have any left, we ought to reflect, that an offence which in its cause is national ought not in its effects to be vindicated on individuals, but with a very well-tempered severity.

For my own part, I think the fire is not extinguished, — on the contrary, it seems to require the attention of government more than ever; but, as a part of any methodical plan for extinguishing this flame, it really seems necessary that the execution of justice should be as steady and as cool as possible.

SOME ADDITIONAL REFLECTIONS

ON THE EXECUTIONS.

THE great number of sufferers seems to arise from the misfortune incident to the variety of judicatures which have tried the crimes. It were well, if the whole had been the business of one commission; for now every trial seems as if it were a separate business, and in that light each offence is not punished with greater severity than single offences of the kind are commonly marked: but in reality and fact, this unfortunate affair, though diversified in the multitude of overt acts, has been one and the same riot; and therefore the executions, so far as regards the general effect on the minds of men, will have a reference to the unity of the offence, and will appear to be much more severe than such a riot, atrocious as it was, can well justify in government. I pray that it may be recollected that the chief delinquents have hitherto escaped, and very many of those who are fallen into the hands of justice are a poor, thoughtless set of creatures, very little aware of the nature of their offence. None of the list-makers, the assemblers of the mob, the directors and arrangers, have been convicted. The preachers of mischief remain safe, and are wicked enough not to feel for their deluded disciples, — no, not at all.

I would not plead the ignorance of the law in any,

even the most ignorant, as a justification; but I am sure, that, when the question is of mercy, it is a very great and powerful argument. I have all the reason in the world to believe that they did not know their offence was capital.

There is one argument, which I beg may not be considered as brought for any invidious purpose, or meant as imputing blame anywhere, but which, I think, with candid and considerate men, will have much weight. The unfortunate delinquents were perhaps much encouraged by some remissness on the part of government itself. The absolute and entire impunity attending the same offence in Edinburgh, which was over and over again urged as an example and encouragement to these unfortunate people, might be a means of deluding them. Perhaps, too, a languor in the beginning of the riots here (which suffered the leaders to proceed, until very many, as it were by the contagion of a sort of fashion, were carried to these excesses) might make these people think that there was something in the case which induced government to wink at the irregularity of the proceedings.

The conduct and condition of the Lord Mayor ought, in my opinion, to be considered. His answers to Lord Beauchamp, to Mr. Malo, and to Mr. Langdale make him appear rather an accomplice in the crimes than guilty of negligence as a magistrate. Such an example set to the mob by the first magistrate of the city tends greatly to palliate their offence.

The license, and complete impunity too, of the publications which from the beginning instigated the people to such actions, and in the midst of trials and executions still continues, does in a great degree

render these creatures an object of compassion. In the Public Advertiser of this morning there are two or three paragraphs strongly recommending such outrages, and stimulating the people to violence against the houses and persons of Roman Catholics, and even against the chapels of the foreign ministers.

I would not go so far as to adopt the maxim, *Quicquid multis peccatur inultum;* but certainly offences committed by vast multitudes are somewhat palliated in the *individuals*, who, when so many escape, are always looked upon rather as unlucky than criminal. All our loose ideas of justice, as it affects any individual, have in them something of comparison to the situation of others; and no systematic reasoning can wholly free us from such impressions.

Phil. de Comines says our English civil wars were less destructive than others, because the cry of the conqueror always was, "Spare the common people." This principle of war should be at least as prevalent in the execution of justice. The appetite of justice is easily satisfied, and it is best nourished with the least possible blood. We may, too, recollect that between capital punishment and total impunity there are many stages.

On the whole, every circumstance of mercy, and of comparative justice, does, in my opinion, plead in favor of such low, untaught, or ill-taught wretches. But above all, the policy of government is deeply interested that the punishments should appear *one*, solemn, deliberate act, aimed not at random, and at particular offences, but done with a relation to the general spirit of the tumults; and they ought to be nothing more than what is sufficient to mark and discountenance that spirit.

CIRCUMSTANCES FOR MERCY.

Not being principal.

Probable want of early and deliberate purposes.

Youth } where the highest malice does not appear.
Sex }

Intoxication and levity, or mere wantonness of any kind.

A

LETTER

TO

THE RIGHT HON. HENRY DUNDAS,

ONE OF HIS MAJESTY'S PRINCIPAL SECRETARIES OF STATE.

WITH THE

SKETCH OF A NEGRO CODE.

1792.

LETTER.

DEAR SIR,—I should have been punctual in sending you the sketch I promised of my old African Code, if some friends from London had not come in upon me last Saturday, and engaged me till noon this day: I send this packet by one of them who is still here. If what I send be, as under present circumstances it must be, imperfect, you will excuse it, as being done near twelve years ago. About four years since I made an abstract of it, upon which I cannot at present lay my hands; but I hope the marginal heads will in some measure supply it.

If the African trade could be considered with regard to itself only, and as a single object, I should think the utter abolition to be on the whole more advisable than any scheme of regulation and reform. Rather than suffer it to continue as it is, I heartily wish it at an end. What has been lately done has been done by a popular spirit, which seldom calls for, and indeed very rarely relishes, a system made up of a great variety of parts, and which is to operate its effect in a great length of time. The people like short methods; the consequences of which they sometimes have reason to repent of. Abolition is but a single act. To prove the nature of the trade, and to expose it properly, required, indeed, a vast collection of materials, which have been laboriously collected, and compiled with great judgment. It required also

much perseverance and address to excite the spirit which has been excited without doors, and which has carried it through. The greatest eloquence ever displayed in the House has been employed to second the efforts which have been made abroad. All this, however, leads but to one single resolve. When this was done, all was done. I speak of absolute and immediate abolition, the point which the first motions went to, and which is in effect still pressed; though in this session, according to order, it cannot take effect. A *remote*, and a *gradual* abolition, though they may be connected, are not the same thing. The idea of the House seems to me, if I rightly comprehend it, that the two things are to be combined: that is to say, that the trade is gradually to decline, and to cease entirely at a determinate period. To make the abolition gradual, the regulations must operate as a strong discouragement. But it is much to be feared that a trade continued and discouraged, and with a sentence of death passed upon it, will perpetuate much ill blood between those who struggle for the abolition and those who contend for an effectual continuance.

At the time when I formed the plan which I have the honor to transmit to you, an abolition of the slave trade would have appeared a very chimerical project. My plan, therefore, supposes the continued existence of that commerce. Taking for my basis that I had an incurable evil to deal with, I cast about how I should make it as small an evil as possible, and draw out of it some collateral good.

In turning the matter over in my mind at that time and since, I never was able to consider the African trade upon a ground disconnected with the employment of negroes in the West Indies, and distinct from

their condition in the plantations whereon they serve. I conceived that the true origin of the trade was not in the place it was begun at, but at the place of its final destination. I therefore was, and I still am, of opinion that the whole work ought to be taken up together, and that a gradual abolition of slavery in the West Indies ought to go hand in hand with anything which should be done with regard to its supply from the coast of Africa. I could not trust a cessation of the demand for this supply to the mere operation of any abstract principle, (such as, that, if their supply was cut off, the planters would encourage and produce an effectual population,) knowing that nothing can be more uncertain than the operation of general principles, if they are not embodied in specific regulations. I am very apprehensive, that, so long as the slavery continues, some means for its supply will be found. If so, I am persuaded that it is better to allow the evil, in order to correct it, than, by endeavoring to forbid what we cannot be able wholly to prevent, to leave it under an illegal, and therefore an unreformed existence. It is not that my plan does not lead to the extinction of the slave trade, but it is through a very slow progress, the chief effect of which is to be operated in our own plantations, by rendering, in a length of time, all foreign supply unnecessary. It was my wish, whilst the slavery continued, and the consequent commerce, to take such measures as to civilize the coast of Africa by the trade, which now renders it more barbarous, and to lead by degrees to a more reputable, and, possibly, a more profitable connection with it, than we maintain at present.

I am sure that you will consider as a mark of my confidence in yours and Mr. Pitt's honor and gen-

erosity, that I venture to put into your hands a scheme composed of many and intricate combinations, without a full explanatory preface, or any attendant notes, to point out the principles upon which I proceeded in every regulation which I have proposed towards the civilization and gradual manumission of negroes in the two hemispheres. I confess I trust infinitely more (according to the sound principles of those who ever have at any time meliorated the state of mankind) to the effect and influence of religion than to all the rest of the regulations put together.

Whenever, in my proposed reformation, we take our *point of departure* from a state of slavery, we must precede the donation of freedom by disposing the minds of the objects to a disposition to receive it without danger to themselves or to us. The process of bringing *free* savages to order and civilization is very different. When a state of slavery is that upon which we are to work, the very means which lead to liberty must partake of compulsion. The minds of men, being crippled with that restraint, can do nothing for themselves: everything must be done for them. The regulations can owe little to consent. Everything must be the creature of power. Hence it is that regulations must be multiplied, particularly as you have two parties to deal with. The planter you must at once restrain and support, and you must control at the same time that you ease the servant. This necessarily makes the work a matter of care, labor, and expense. It becomes in its nature complex. But I think neither the object impracticable nor the expense intolerable; and I am fully convinced that

the cause of humanity would be far more benefited by the continuance of the trade and servitude, regulated and reformed, than by the total destruction of both or either. What I propose, however, is but a beginning of a course of measures which an experience of the effects of the evil and the reform will enable the legislature hereafter to supply and correct.

I need not observe to you, that the forms are often neglected, penalties not provided, &c., &c., &c. But all this is merely mechanical, and what a couple of days' application would set to rights.

I have seen what has been done by the West Indian Assemblies. It is arrant trifling. They have done little; and what they have done is good for nothing, — for it is totally destitute of an *executory* principle. This is the point to which I have applied my whole diligence. It is easy enough to say what shall be done: to cause it to be done, — *hic labor, hoc opus.*

I ought not to apologize for letting this scheme lie beyond the period of the Horatian keeping, — I ought much more to entreat an excuse for producing it now. Its whole value (if it has any) is the coherence and mutual dependency of parts in the scheme; separately they can be of little or no use.

I have the honor to be, with very great respect and regard,

Dear Sir,

Your most faithful and obedient humble servant,

EDMUND BURKE.

BEACONSFIELD, Easter-Monday night, 1792.

SKETCH OF A NEGRO CODE.

THIS constitution consists of four principal members.

I. The rules for qualifying a ship for the African trade.

II. The mode of carrying on the trade upon the coast of Africa, which includes a plan for introducing civilization in that part of the world.

III. What is to be observed from the time of shipping negroes to the sale in the West India islands.

IV. The regulations relative to the state and condition of slaves in the West Indies, their manumission, &c.

Preamble. WHEREAS it is expedient, and comformable to the principles of true religion and morality, and to the rules of sound policy, to put an end to all traffic in the persons of men, and to the detention of their said persons in a state of slavery, as soon as the same may be effected without producing great inconveniences in the sudden change of practices of such long standing, and during the time of the continuance of the said practices it is desirable and expedient by proper regulations to lessen the inconveniences and evils attendant on the said traffic and state of servitude, until both shall be gradually done away:

And whereas the objects of the said trade and consequential servitude, and the grievances resulting

therefrom, come under the principal heads following, the regulations ought thereto to be severally applied: that is to say, that provision should be made by the said regulations,

1st, For duly qualifying ships for the said traffic;

2nd, For the mode and conditions of permitting the said trade to be carried on upon the coast of Africa;

3rd, For the treatment of the negroes in their passage to the West India islands;

4th, For the government of the negroes which are or shall be employed in his Majesty's colonies and plantations in the West Indies:

Ships to be registered.

Be it therefore enacted, that every ship or trading vessel which is intended for the negro trade, with the name of the owner or owners thereof, shall be entered and registered as ships trading to the West Indies are by law to be registered, with the further provisions following:

Measured and surveyed.

1. The same entry and register shall contain an account of the greatest number of negroes of all descriptions which are proposed to be taken into the said ship or trading vessel; and the said ship, before she is permitted to be entered outwards, shall be surveyed by a ship-carpenter, to be appointed by the collector of the port from which the said vessel is to depart, and by a surgeon, also appointed by the collector, who hath been conversant in the service of the said trade, but not at the time actually engaged or covenanted therein; and the said carpenter and surgeon shall report to the collector, or in his absence, to the next principal officer of the port, upon oath, (which oath the said collector or principal officer is hereby empowered to administer,)

her measurement, and what she contains in builder's tonnage, and that she has ——— feet of grated port-holes between the decks, and that she is otherwise fitly found as a good transport vessel.

Number of slaves limited. 2. And be it enacted, that no ship employed in the said trade shall upon any pretence take in more negroes than one grown man or woman for one ton and half of builder's tonnage, nor more than one boy or girl for one ton.

Provisions. 3. That the said ship or other vessel shall lay in, in proportion to the ship's company of the said vessel, and the number of negroes registered, a full and sufficient store of sound provision, so as to be secure against all probable delays and accidents, namely, salted beef, pork, salt-fish, butter, cheese, biscuit, flour, rice, oat-meal, and white peas, but no horse-beans, or other inferior provisions; and the said ship shall be properly provided with water-casks or jars, in proportion to the intended number of the said negroes; and the said ship shall be also provided with a proper and sufficient stock of coals or fire-wood.

Stores. 4. And every ship entered as aforesaid shall take out a coarse shirt and a pair of trousers, or petticoat, for each negro intended to be taken aboard; as also a mat, or coarse mattress, or hammock, for the use of the said negroes.

The proportions of provision, fuel, and clothing to be regulated by the table annexed to this act.

Certificate thereof. 5. And be it enacted, that no ship shall be permitted to proceed on the said voyage or adventure, until the searcher of the port from whence the said vessel shall sail, or such person as he shall appoint to act for him, shall report to the

collector that he hath inspected the said stores, and that the ship is accommodated and provided in the manner hereby directed.

Guns for trade to be inspected.

6. And be it enacted, that no guns be exported to the coast of Africa, in the said or any other trade, unless the same be duly marked with the maker's name on the barrels before they are put into the stocks, and vouched by an inspector in the place where the same are made to be without fraud, and sufficient and merchantable arms.

Owners and masters to enter into bonds.

7. And be it enacted, that, before any ship as aforesaid shall proceed on her voyage, the owner or owners, or an attorney by them named, if the owners are more than two, and the master, shall severally give bond, the owners by themselves, the master for himself, that the said master shall duly conform himself in all things to the regulations in this act contained, so far as the same regards his part in executing and conforming to the same.

II. And whereas, in providing for the second object of this act, that is to say, for the trade on the coast of Africa, it is first prudent not only to provide against the manifold abuses to which a trade of that nature is liable, but that the same may be accompanied, as far as it is possible, with such advantages to the natives as may tend to the civilizing them, and enabling them to enrich themselves by means more desirable, and to carry on hereafter a trade more advantageous and honorable to all parties:

And whereas religion, order, morality, and virtue are the elemental principles, and the knowledge of

letters, arts, and handicraft trades, the chief means of such civilization and improvement: for the better attainment of the said good purposes,

Marts to be established on the coast.

1. Be it hereby enacted, that the coast of Africa, on which the said trade for negroes may be carried on, shall be and is hereby divided into marts or staples, as hereafter follows. [Here name the marts.] And be it enacted, that it shall not be lawful for the master of any ship to purchase any negro or negroes, but at one of the said marts or staples.

Governors and counsellors.

2. That the directors of the African Company shall appoint, where not already appointed, a governor, with three counsellors, at each of the said marts, with a salary of——— to the governor, and of——— to each of the said counsellors. The said governor, or, in his absence or illness, the senior counsellor, shall and is hereby empowered to act as a justice of the peace, and they, or either of them, are authorized, ordered, and directed to provide for the peace of the settlement, and the good regulation of their station and stations severally, according to the rules of justice, to the directions of this act, and the instructions they shall receive from time to time from the said African Company. And the said African Company is hereby authorized to prepare instructions, with the assent of the Lords of his Majesty's Privy Council, which shall be binding in all things not contrary to this act, or to the laws of England, on the said governors and counsellors, and every of them, and on all persons acting in commission with them under this act, and on all persons residing within the jurisdiction of the magistrates of the said mart.

Ships of war stationed.

3. And be it enacted, that the Lord High Admiral, or commissioners for executing his office, shall appoint one or more, as they shall see convenient, of his Majesty's ships or sloops of war, under the command severally of a post-captain, or master and commander, to each mart, as a naval station.

Inspectors appointed.

4. And be it enacted, that the Lord High Treasurer, or the commissioners for executing his office, shall name two inspectors of the said trade at every mart, who shall provide for the execution of this act, according to the directions thereof, so far as shall relate to them; and it is hereby provided and enacted, that, as cases of sudden emergency may arise, the said governor or first counsellor, and the first commander of his Majesty's ship or ships on the said station, and the said inspectors, or the majority of them, the governor having a double or casting vote, shall have power and authority to make such occasional rules and orders relating to the said trade as shall not be contrary to the instructions of the African Company, and which shall be valid until the same are revoked by the said African Company.

Lands may be purchased.

5. That the said African Company is hereby authorized to purchase, if the same may conveniently be done, with the consent of the Privy Council, any lands adjoining to the fort or principal mart aforesaid, not exceeding ——— acres, and to make allotments of the same; no allotment to one person to exceed (on pain of forfeiture) ——— acres.

Churches, and schoolhouses, and hospitals to be erected.

6. That the African Company shall, at each fort or mart, cause to be erected, in a convenient place, and at a moderate cost,

the estimate of which shall be approved by the Treasury, one church, and one school-house, and one hospital; and shall appoint one principal chaplain, with a curate or assistant in holy orders, both of whom shall be recommended by the Lord Bishop of London; and the said chaplain or his assistant shall perform divine service, and administer the sacraments, according to the usage of the Church of England, or to such mode not contrary thereto as to the said bishop shall seem more suitable to the circumstances of the people. And the said principal chaplain shall be the third member in the council, and shall be entitled to receive from the directors of the said African Company a salary of ———, and his assistant a salary of ———, and he shall have power to appoint one sober and discreet person, white or black, to be his clerk and catechist, at a salary of ———.

Chaplain and assistant

Clerk and catechist.

Schoolmaster.

7. And be it enacted, that the African Company shall appoint one sufficient schoolmaster, who shall be approved by the Bishop of London, and who shall be capable of teaching writing, arithmetic, surveying, and mensuration, at a salary of ———. And the said African Company is hereby authorized to provide for each settlement a carpenter and blacksmith, with such encouragement as to them shall seem expedient, who shall take each two apprentices from amongst the natives, to instruct them in the several trades, the African Company allowing them, as a fee for each apprentice, ———. And the said African Company shall appoint one surgeon and one surgeon's mate, who are to be approved on examination at Surgeons' Hall, to each fort or mart,

Carpenter and blacksmith.

Native apprentices.

Surgeon and mate.

with a salary of ——— for the surgeon, and for his mate ———; and the said surgeon shall take one native apprentice, at a fee to be settled by the African Company. Native apprentice.

8. And be it enacted, that the said catechist, schoolmaster, surgeon, and surgeon's mate, as well as the tradesmen in the Company's service, shall be obedient to the orders they shall from time to time receive from the governor and council of each fort; and if they, or any of them, or any other person, in whatever station, shall appear, on complaint and proof to the majority of the commissioners, to lead a disorderly and debauched life, or use any profane or impious discourses, to the danger of defeating the purposes of this institution, and to the scandal of the natives, who are to be led by all due means into a respect for our holy religion, and a desire of partaking of the benefits thereof, they are authorized and directed to suspend the said person from his office, or the exercise of his trade, and to send him to England (but without any hard confinement, except in case of resistance) with a complaint, with inquiry and proofs adjoined, to the African Company. How removable.

9. And be it enacted, that the Bishop of London for the time being shall have full authority to remove the said chaplain for such causes as to him shall seem reasonable.

10. That no governor, counsellor, inspector, chaplain, surgeon, or schoolmaster shall be concerned, or have any share, directly or indirectly, in the negro trade, on pain of ———. No public officer to be concerned in the negro trade.

11. Be it enacted, that the said governor and council shall keep a journal of all their proceedings, and a book in which copies of Journals and letter-books to be kept and transmitted.

all their correspondence shall be entered, and they shall transmit copies of the said journals and letter-book, and their books of accounts, to the African Company, who, within ——— of their receipt thereof, shall communicate the same to one of his Majesty's principal secretaries of state.

Chaplain to report to the Bishop of London.

12. And be it enacted, that the said chaplain, or principal minister, shall correspond with the Bishop of London, and faithfully and diligently transmit to him an account of whatever hath been done for the advancement of religion, morality, and learning amongst the natives.

Negroes to be attested before sale

13. And be it enacted, that no negro shall be conclusively sold, until he shall be attested by the two inspectors and chaplain, or, in case of the illness of any of them, by one inspector, and the governor, or one of the council, who are hereby authorized and directed, by the best means in their power, to examine into the circumstances and condition of the persons exposed to sale.

Causes for rejection.

14. And for the better direction of the said inspectors, no persons are to be sold, who, to the best judgment of the said inspectors, shall be above thirty-five years of age, or who shall appear, on examination, stolen or carried away by the dealers by surprise; nor any person who is able to read in the Arabian or any other book; nor any woman who shall appear to be advanced three months in pregnancy; nor any person distorted or feeble, unless the said persons are consenting to such sale; or any person afflicted with a grievous or contagious distemper: but if any person so offered is only lightly disordered, the said person may be sold, but must be kept in the hospital of the mart, and shall not be shipped until completely cured.

Traders to be licensed by the governors.

15. Be it enacted, that no black or European factor or trader into the interior country, or on the coast, (the masters of English ships only excepted, for whose good conduct provision is otherwise herein made,) shall be permitted to buy or sell in any of the said marts, unless he be approved by the governor of the mart in which he is to deal, or, in his absence or disability, by the senior counsellor for the time being, and obtaining a license from such governor or counsellor; and the said traders and factors shall, severally or jointly, as they shall be concerned, before they shall obtain the said license, be bound in a recognizance, with such surety for his or their good behavior as to the said governor shall seem the best that can be obtained.

Offences how to be tried and punished.

16. Be it enacted, that the said governor, or other authority aforesaid, shall examine, as by duty of office, into the conduct of all such traders and factors, and shall receive and publicly hear (with the assistance of the council and inspectors aforesaid, and of the commodore, captain, or other principal commander of one of his Majesty's ships on the said station, or as many of the same as can be assembled, two whereof, with the governor, are hereby enabled to act) all complaints against them, or any of them; and if any black or white trader or factor, (other than in this act excepted,) either on inquisition of office or on complaint, shall be convicted by a majority of the said commissioners present of stealing or taking by surprise any person or persons whatsoever, whether free or the slaves of others, without the consent of their masters, or of wilfully and maliciously killing or maiming any person, or of any cruelty, (necessary restraint only ex-

cepted,) or of firing houses, or destroying goods, the said trader or factor shall be deemed to have forfeited his recognizance, and his surety to have forfeited his; and the said trader or factor, so convicted, shall be forever disabled from dealing in any of the said marts, unless the offence shall not be that of murder, maiming, arson, or stealing or surprising the person, and shall appear to the commissioners aforesaid to merit only, besides the penalty of his bond, a suspension for one year; and the said trader or factor, so convicted of murder, maiming, arson, stealing or surprising the person, shall, if a native, be delivered over to the prince to whom he belongs, to execute further justice on him. But it is hereby provided and enacted, that, if any European shall be convicted of any of the said offences, he shall be sent to Europe, together with the evidence against him; and on the warrant of the said commissioners, the keeper of any of his Majesty's jails in London, Bristol, Liverpool, or Glasgow shall receive him, until he be delivered according to due course of law, as if the said offences had been committed within the cities and towns aforesaid.

Negroes exposed to sale contrary to the provisions of this act, how to be dealt with.

17. Be it further enacted, that, if the said governor, &c., shall be satisfied that any person or persons are exposed to sale, who have been stolen or surprised as aforesaid, or are not within the qualifications of sale in this act described, they are hereby authorized and required, if it can be done, to send the persons so exposed to sale to their original habitation or settlement, in the manner they shall deem best for their security, (the reasonable charges whereof shall be allowed to the said governor by the African Com-

pany,) unless the said persons choose to sell themselves; and then, and in that case, their value in money and goods, at their pleasure, shall be secured to them, and be applicable to their use, without any dominion over the same of any purchaser, or of any master to whom they may in any colony or plantation be sold, and which shall always be in some of his master's [Majesty's?] colonies and plantations only. And the master of the ship in which such person shall embark shall give bond for the faithful execution of his part of the trust at the island where he shall break bulk.

18. Be it further enacted, that, besides the hospitals on shore, one or more hospital-ships shall be employed at each of the said chief marts, wherein slaves taken ill in the trading ships shall be accommodated, until they shall be cured; and then the owner may reclaim and shall receive them, paying the charges which shall be settled by regulation to be made by the authority in this act enabled to provide such regulations.

III. And whereas it is necessary that regulations be made to prevent abuses in the passage from Africa to the West Indies:

1. Be it further enacted, that the commander or lieutenant of the king's ship on each station shall have authority, as often as he shall see occasion, attended with one other of his officers, and his surgeon or mate, to enter into and inspect every trading ship, in order to provide for the due execution of this act, and of any ordinances made in virtue thereof and conformable thereto by the authorities herein constituted and appointed; and the

Slave-ships to be examined on the coast.

said officer and officers are hereby required to examine every trading ship before she sails, and to stop the sailing of the said ship for the breach of the said rules and ordinances, until the governor in council shall order and direct otherwise: and the master of] the said ship shall not presume, under the penalty of ———, to be recovered in the courts of the West Indies, to sail without a certificate from the commander aforesaid, and one of the inspectors in this act appointed, that the vessel is provided with stores and other accommodation sufficient for her voyage, and has not a greater number of slaves on board than by the provisions of this act is allowed.

Governor to give special instructions.

2. And be it enacted, that the governor and council, with the assistance of the said naval commander, shall have power to give such special written instructions for the health, discipline, and care of the said slaves, during their passage, as to them shall seem good.

Presents and musical instruments to be provided.

3. And be it further enacted, that each slave, at entering the said ship, is to receive some present, not exceeding in value ———, to be provided according to the instructions aforesaid; and musical instruments, according to the fashion of the country, are to be provided.

Table of allowances.

4. And be it further enacted, that the negroes on board the transports, and the seamen who navigate the same, are to receive their daily allowance according to the table hereunto annexed, together with a certain quantity of spirits to be mixed with their water. And it is enacted, that the table is to be fixed, and continue for one week after sailing, in some conspicuous part of the said ship, for the seamen's inspection of the same.

5. And be it enacted, that the captain of each trading vessel shall be enabled and is required to divide the slaves in his ship into crews of not less than ten nor more than twenty persons each, and to appoint one negro man to have such authority severally over each crew, as according to his judgment, with the advice of the mate and surgeon, he and they shall see good to commit to them, and to allow to each of them some compensation, in extraordinary diet and presents, not exceeding [ten shillings]. Negro superintendents to be appointed.

6. And be it enacted, that any European officer or seaman, having unlawful communication with any woman slave, shall, if an officer, pay five pounds to the use of the said woman, on landing her from the said ship, to be stopped out of his wages, or if a seaman, forty shillings: the said penalties to be recovered on the testimony of the woman so abused, and one other. Communication with female slaves, how punished.

7. And be it enacted, that all and every commander of a vessel or vessels employed in slave trade, having received certificates from the port of the outfit, and from the proper officers in Africa and the West Indies, of their having conformed to the regulations of this act, and of their not having lost more than one in thirty of their slaves by death, shall be entitled to a bounty or premium of [ten pounds]. Premium to commanders of slave-ships

IV. And whereas the condition of persons in a state of slavery is such that they are utterly unable to take advantage of any remedy which the laws may provide for their protection and the amendment of their condition, and have not the proper means of

pursuing any process for the same, but are and must be under guardianship: and whereas it is not fitting that they should be under the sole guardianship of their masters, or their attorneys and overseers, to whom their grievances, whenever they suffer any, must ordinarily be owing:

Attorney-General to be protector of negroes.

1. Be it therefore enacted, that his Majesty's Attorney-General for the time being successively shall, by his office, exercise the trust and employment of protector of negroes within the island in which he is or shall be Attorney-General to his Majesty, his heirs and successors; and that the said Attorney-General, protector of negroes, is hereby authorized to hear any complaint on the part of any negro or negroes, and inquire into the same, or to institute an inquiry *ex officio* into any abuses, and to call before him and examine witnesses upon oath, relative to the subject-matter of the said official inquiry or complaint: and it is hereby enacted and declared, that the said Attorney-General, protector of negroes, is hereby authorized and empowered, at his discretion, to file an information *ex officio* for any offences committed against the provisions of this act, or for any misdemeanors or wrongs against the said negroes, or any of them.

To inquire and file informations *ex officio*.

Power to challenge jurors.

2. And it is further enacted, that in all trials of such informations the said protector of negroes may and is hereby authorized to challenge peremptorily a number not exceeding ——— of the jury who shall be impanelled to try the charge in the said information contained.

To appoint inspectors of districts,

3. And be it enacted, that the said Attorney-General, protector of negroes, shall

appoint inspectors, not exceeding the number of ———, at his discretion; and the said inspectors shall be placed in convenient districts in each island severally, or shall twice in the year make a circuit in the same, according to the direction which they shall receive from the protector of negroes aforesaid; and the inspectors shall and they are hereby required, twice in the year, to report in writing to the protector aforesaid the state and condition of the negroes in their districts or on their circuit severally, the number, sex, age, and occupation of the said negroes on each plantation; and the overseer or chief manager on each plantation is hereby required to furnish an account thereof within [ten days] after the demand of the said inspectors, and to permit the inspector or inspectors aforesaid to examine into the same; and the said inspectors shall set forth, in the said report, the distempers to which the negroes are most liable in the several parts of the island.

Who are to report to him twice in the year the number and condition of the slaves.

4. And be it enacted, that the said protector of negroes, by and with the consent of the governor and chief judge of each island, shall form instructions, by which the said inspectors shall discharge their trust in the manner the least capable of exciting any unreasonable hopes in the said negroes, or of weakening the proper authority of the overseer, and shall transmit them to one of his Majesty's principal secretaries of state; and when sent back with his approbation, the same shall become the rule for the conduct of the said inspectors.

Instructions to be formed for inspectors.

5. And be it enacted, that the said Attorney-General, protector of negroes, shall appoint an

Registry.

office for registering all proceedings relative to the duty of his place as protector of negroes, and shall appoint his chief clerk to be registrar, with a salary not exceeding ———.

Ports where negroes are to be landed. Vessels to be inspected.

6. And be it enacted, that no negroes shall be landed for sale in any but the ports following: that is to say, ———. And the collector of each of the said ports severally shall, within ——— days after the arrival of any ship transporting negroes, report the same to the protector of negroes, or to one of his inspectors; and the said protector is hereby authorized and required to examine, or cause to be examined by one of his inspectors, with the assistance of the said collector, or his deputy, and a surgeon to be called in on the occasion, the state of the said ship and negroes; and upon what shall appear to them, the said protector of negroes, and the said collector and surgeon, to be a sufficient proof, either as arising from their own inspection, or sufficient information on a summary process, of any contravention of this act, or cruelty to the negroes, or other malversation of the said captain, or any of his officers, the said protector shall impose a fine on him or them, not exceeding ———; which shall not, however, weaken or invalidate any penalty growing from the bond of the said master or his owners. And it is hereby provided, that, if the said master, or any of his officers, shall find himself aggrieved by the said fine, he may within ——— days appeal to the chief judge, if the court shall be sitting, or to the governor, who shall and are required to hear the said parties, and on hearing are to annul or confirm the same.

Masters or officers offending to be fined.

Rates respecting the sale of negroes.

7. And be it enacted, that no sale of negroes shall be made but in the presence of an inspector, and all negroes shall be sold severally, or in known and ascertained lots, and not otherwise; and a paper containing the state and description of each negro severally sold, and of each lot, shall be taken and registered in the office aforesaid; and if, on inspection or information, it shall be found that any negroes shall have, in the same ship, or any other at the same time examined, a wife, an husband, a brother, sister, or child, the person or persons so related shall not be sold separately at that or any future sale.

Every island to be divided into districts.

8. And be it enacted, that each and every of his Majesty's islands and plantations, in which negroes are used in cultivation, shall be, by the governor and the protector of negroes for the time being, divided into districts, allowing as much as convenience will admit to the present division into parishes, and subdividing them, where necessary, into districts, according to the number of negroes. And the said governor and protector of negroes shall cause in each district a church to be built in a convenient place, and a cemetery annexed, and an house for the residence of a clergyman, with ——— acres of land annexed; and they are hereby authorized to treat for the necessary ground with the proprietor, who is hereby obliged to sell and dispose of the same to the said use; and in case of dispute concerning the value, the same to be settled by a jury, as in like cases is accustomed.

A church to be built in each.

Appointment of a priest and clerk.

9. And be it enacted, that in each of the said districts shall be established a presbyter of the Church of England as by law estab-

lished, who shall appoint under him one clerk, who shall be a free negro, when such properly qualified can be found, (otherwise, a white man,) with a salary, in each case, of ———; and the said minister and clerk, both or one, shall instruct the said negroes in the Church Catechism, or such other as shall be provided by the authority in this act named; and the said minister shall baptize, as he shall think fit, all negroes not baptized, and not belonging to Dissenters from the Church of England.

Owner to deliver a list of negroes to the minister, and to cause them to attend divine service.

10. And the principal overseer of each plantation is hereby required to deliver annually unto the minister a list of all the negroes upon his plantation, distinguishing their sex and age, and shall, under a penalty of ———, cause all the negroes under his care, above the age of ——— years, to attend divine service once on every Sunday, except in case of sickness, infirmity, or other necessary cause, to be given at the time, and shall, by himself or one of those who are under him, provide for the orderly behavior of the negroes under him, and cause them to return to his plantation, when divine service, or administration of sacraments, or catechism, is ended.

Minister to direct punishment for disorderly conduct.

11. And be it enacted, that the minister shall have power to punish any negro for disorderly conduct during divine service, by a punishment not exceeding [ten] blows to be given in one day and for one offence, which the overseer or his under agent or agents is hereby directed, according to the orders of the said minister, effectually to inflict, whenever the same shall be ordered.

Spirituous liquors not to be sold.

12. And be it enacted, that no spirituous liquors of any kind shall be sold, except in

towns, within ——— miles distance of any church, nor within any district during divine service, and an hour preceding and an hour following the same; and the minister of each parish shall and is hereby authorized to act as a justice of the peace in enforcing the said regulation.

Register of births, burials, and marriages.

13. And be it enacted, that every minister shall keep a register of births, burials, and marriages of all negroes and mulattoes in his district.

Synod to assemble annually, and to form regulations,

14. And be it enacted, that the ministers of the several districts shall meet annually, on the ——— day of ———, in a synod of the island to which they belong; and the said synod shall have for its president such person as the Bishop of London shall appoint for his commissary; and the said synod or general assembly is hereby authorized, by a majority of voices, to make regulations, which regulations shall be transmitted by the said president or commissary to the Bishop of London; and when returned by the Bishop of London approved of, then, and not before, the said regulations shall be held in force to bind the said clergy, their assistants, clerks, and schoolmasters only, and no other persons.

and to report to the Bishop of London.

15. And be it enacted, that the said president shall collect matter in the said assembly, and shall make a report of the state of religion and morals in the several parishes from whence the synod is deputed, and shall transmit the same, once in the year, in duplicate, through the governor and protector of negroes, to the Bishop of London.

Bishop of London to be patron of the cures;

16. And be it enacted and declared, that the Bishop of London for the time being shall be patron to all and every the said

cures in this act directed; and the said bishop is hereby required to provide for the due filling thereof, and is to receive, from the fund in this act provided for the due execution of this act, a sum not exceeding ——— for each of the said ministers, for his outfit and passage.

and to have power of suspending and removing ministers.

17. And be it enacted, that, on misbehavior, and on complaint from the said synod, and on hearing the party accused in a plain and summary manner, it shall and may be lawful for the Bishop of London to suspend or to remove any minister from his cure, as his said offences shall appear to merit.

Schools for young negroes.

18. And be it enacted, that for every two ditsricts a school shall be established for young negroes to be taught three days in the week, and to be detained from their owner four hours in each day, the number not to be more or fewer than twenty males in each district, who shall be chosen, and vacancies filled, by the minister of the district; and the said minister shall pay to the owner of the said boy, and shall be allowed the same in his accounts at the synod, to the age of twelve years old, three-pence by the day, and for every boy from twelve years old to fifteen, five-pence by the day.

19. And it is enacted, that, if the president of the synod aforesaid shall certify to the protector of negroes, that any boys in the said schools (provided that the number in no one year shall exceed one in the island of Jamaica, and one in two years in the islands of Barbadoes, Antigua, and Grenada, and one in four years in any of the other islands) do show a remarkable aptitude for learning, the said protector is hereby authorized and

Extraordinary abilities to be encouraged.

directed to purchase the said boy at the best rate at which boys of that age and strength have been sold within the year; and the said negro so purchased shall be under the entire guardianship of the said protector of negroes, who shall send him to the Bishop of London for his further education in England, and may charge in his accounts for the expense of transporting him to England; and the Bishop of London shall provide for the education of such of the said negroes as he shall think proper subjects, until the age of twenty-four years, and shall order those who shall fall short of expectation after one year to be bound apprentice to some handicraft trade; and when his apprenticeship is finished, the Lord Mayor of London is hereby authorized and directed to receive the said negro from his master, and to transmit him to the island from which he came, in the West Indies, to be there as a free negro, subject, however, to the direction of the protector of negroes, relatively to his behavior and employment.

Negroes of Dissenters;

20. And it is hereby enacted and provided, that any planter, or owner of negroes, not being of the Church of England, and not choosing to send his negroes to attend divine service in manner by this act directed, shall give, jointly or severally, as the case shall require, security to the protector of negroes that a competent minister of some Christian church or congregation shall be provided for the due instruction of the negroes, and for their performing divine service according to the description of the religion of the master or masters, in some church or house thereto allotted, in the manner and with the regulations in this act prescribed with regard to the exercise of religion according to the

their marriages, &c., to be registered.

Church of England: provided always, that the marriages of the said negroes belonging to Dissenters shall be celebrated only in the church of the said district, and that a register of the births shall be transmitted to the minister of the said district.

Regulations concerning marriage.

21. And whereas a state of matrimony, and the government of a family, is a principal means of forming men to a fitness for freedom, and to become good citizens: Be it enacted, that all negro men and women, above eighteen years of age for the man and sixteen for the woman, who have cohabited together for twelve months or upwards, or shall cohabit for the same time, and have a child or children, shall be deemed to all intents and purposes to be married, and either of the parties is authorized to require of the ministers of the district to be married in the face of the church.

Concerning the same.

22. And be it enacted, that, from and after the ——— of ———, all negro men in an healthy condition, and so reported to be, in case the same is denied, by a surgeon and by an inspector of negroes, and being twenty-one years old, or upwards, until fifty, and not being before married, shall, on requisition of the inspectors, be provided by their masters or overseers with a woman not having children living, and not exceeding the age of the man, nor, in any case, exceeding the age of twenty-five years; and such persons shall be married publicly in the face of the church.

Concerning the same.

23. And be it enacted, that, if any negro shall refuse a competent marriage tendered to him, and shall not demand another specifically, such as it may be in his master's power to provide,

the master or overseer shall be authorized to constrain him by an increase of work or a lessening of allowance.

Adultery, &c., how to be punished.

24. And be it enacted, that the minister in each district shall have, with the assent of the inspector, full power and authority to punish all acts of adultery, unlawful concubinage, and fornication, amongst negroes, on hearing and a summary process, by ordering a number of blows, not exceeding ———, for each offence; and if any white person shall be proved, on information in the supreme court, to be exhibited by the protector of negroes, to have committed adultery with any negro woman, or to have corrupted any negro woman under sixteen years of age, he shall be fined in the sum of ———, and shall be forever disabled from serving the office of overseer of negroes, or being attorney to any plantation.

Concerning marriage.

25. And be it enacted, that no slaves shall be compelled to do any work for their masters for [three] days after their marriage.

Concerning pregnant women.

26. And be it enacted, that no woman shall be obliged to field-work, or any other laborious work, for one month before her delivery, or for six weeks afterwards.

Separation of husband and wife, and children, to be avoided.

27. And be it enacted, that no husband and wife shall be sold separately, if originally belonging to the same master; nor shall any children under sixteen be sold separately from their parents, or one parent, if one be living.

Concerning the same.

28. And be it enacted, that, if an husband and wife, which before their intermarriage belonged to different owners, shall be sold, they shall

not be sold at such a distance as to prevent mutual help and cohabitation; and of this distance the minister shall judge, and his certificate of the inconvenient distance shall be valid, so as to make such sale unlawful, and to render the same null and void.

Negroes not to work on Saturday afternoon or Sunday.

29. And be it enacted, that no negro shall be compelled to work for his owner at field-work, or any service relative to a plantation, or to work at any handicraft trade, from eleven o'clock on Saturday forenoon until the usual working hour on Monday morning.

Other cases of exemption from labor.

30. And whereas habits of industry and sobriety, and the means of acquiring and preserving property, are proper and reasonable preparatives to freedom, and will secure against an abuse of the same: Be it enacted, that every negro man, who shall have served ten years, and is thirty years of age, and is married, and has had two children born of any marriage, shall obtain the whole of Saturday for himself and his wife, and for his own benefit, and after thirty-seven years of age, the whole of Friday for himself and his wife: provided that in both cases the minister of the district and the inspector of negroes shall certify that they know nothing against his peaceable, orderly, and industrious behavior.

Huts and land to be appropriated.

31. And be it enacted, that the master of every plantation shall provide the materials of a good and substantial hut for each married field negro; and if his plantation shall exceed ——— acres, he shall allot to the same a portion of land not less than ———: and the said hut and land shall remain and stand annexed to the said negro, for his natural life, or during his bondage; but the

same shall not be alienated without the consent of the owners.

32. And be it enacted, that it shall not be lawful for the owner of any negro, by himself or any other, to take from him any land, house, cattle, goods, or money, acquired by the said negro, whether by purchase, donation, or testament, whether the same has been derived from the owner of the said negro, or any other. Property of negroes secured.

33. And be it enacted, that, if the said negro shall die possessed of any lands, goods, or chattels, and dies without leaving a wife or issue, it shall be lawful for the said negro to devise or bequeath the same by his last will; but in case the said negro shall die intestate, and leave a wife and children, the same shall be distributed amongst them, according to the usage under the statute, commonly called the Statute of Distributions; but if the said negro shall die intestate without wife or children, then, and in that case, his estate shall go to the fund provided for the better execution of this act.

34. And be it enacted, that no negro, who is married, and hath resided upon any plantation for twelve months, shall be sold, either privately or by the decree of any court, but along with the plantation on which he hath resided, unless he should himself request to be separated therefrom.

35. And be it enacted, that no blows or stripes exceeding thirteen shall be inflicted for one offence upon any negro, without the order of one of his Majesty's justices of peace. Of the punishment of negroes.

36. And it is enacted, that it shall be lawful for the protector of negroes, as often as on complaint and hearing he shall be of opinion that Of the same.

any negro hath been cruelly and inhumanly treated, or when it shall be made to appear to him that an overseer hath any particular malice, to order, at the desire of the suffering party, the said negro to be sold to another master.

37. And be it enacted, that, in all cases of injury to member or life, the offences against a negro shall be deemed and taken to all intents and purposes as if the same were perpetrated against any of his Majesty's subjects; and the protector of negroes, on complaint, or if he shall receive credible information thereof, shall cause an indictment to be presented for the same; and in case of suspicion of any murder of a negro, an inquest by the coroner, or officer acting as such, shall, if practicable, be held into the same.

Of the manumission of negroes.

38. And in order to a gradual manumission of slaves, as they shall seem fitted to fill the offices of freemen, be it enacted, that every negro slave, being thirty years of age and upwards, and who has had three children born to him in lawful matrimony, and who hath received a certificate from the minister of his district, or any other Christian teacher, of his regularity in the duties of religion, and of his orderly and good behavior, may purchase, at rates to be fixed by two justices of peace, the freedom of himself, or his wife or children, or of any of them separately, valuing the wife and children, if purchased into liberty by the father of the family, at half only of their marketable values: provided that the said father shall bind himself in a penalty of ——— for the good behavior of his children.

Of the same.

39. And be it enacted, that it shall be

lawful for the protector of negroes to purchase the freedom of any negro who shall appear to him to excel in any mechanical art, or other knowledge or practice deemed liberal, and the value shall be settled by a jury.

Free negroes how to be punished

40. And be it enacted, that the protector of negroes shall be and is authorized and required to act as a magistrate for the coercion of all idle, disobedient, or disorderly free negroes, and he shall by office prosecute them for the offences of idleness, drunkenness, quarrelling, gaming, or vagrancy, in the supreme court, or cause them to be prosecuted before one justice of peace, as the case may require.

Of the same.

41. And be it enacted, that, if any free negro hath been twice convicted for any of the said misdemeanors, and is judged by the said protector of negroes, calling to his assistance two justices of the peace, to be incorrigibly idle, dissolute, and vicious, it shall be lawful, by the order of the said protector and two justices of peace, to sell the said free negro into slavery: the purchase-money to be paid to the person so remanded into servitude, or kept in hand by the protector and governor for the benefit of his family.

Governor to receive and transmit annual reports.

42. And be it enacted, that the governor in each colony shall be assistant to the execution of this act, and shall receive the reports of the protector, and such other accounts as he shall judge material, relative thereto, and shall transmit the same annually to one of his Majesty's principal secretaries of state.

A

LETTER

TO

THE CHAIRMAN OF THE BUCKINGHAMSHIRE MEETING,

HELD AT AYLESBURY, APRIL 18, 1780,

ON THE SUBJECT OF

PARLIAMENTARY REFORM.

NOTE.

THE meeting of the freeholders of the County of Buckingham, which occasioned the following Letter, was called for the purpose of taking into consideration a petition to Parliament for shortening the duration of Parliaments, and for a more equal representation of the people in the House of Commons.

LETTER.

SIR, — Having heard yesterday, by mere accident, that there is an intention of laying before the county meeting *new matter, which is not contained in our petition*, and the consideration of which had been deferred to a fitter time by a majority of our committee in London, permit me to take this method of submitting to you my reasons for thinking, with our committee, that nothing ought to be hastily determined upon the subject.

Our petition arose naturally from distresses which we *felt;* and the requests which we made were in effect nothing more than that such things should be done in Parliament as it was evidently the duty of Parliament to do. But the affair which will be proposed to you by a person of rank and ability is an alteration in the constitution of Parliament itself. It is impossible for you to have a subject before you of more importance, and that requires a more cool and more mature consideration, both on its own account, and for the credit of our sobriety of mind, who are to resolve upon it.

The county will in some way or other be called upon to declare it your opinion, that the House of Commons is not sufficiently numerous, and that the elections are not sufficiently frequent, — that an hundred new knights of the shire ought to be added, and that we are to have a new election once in three

years for certain, and as much oftener as the king pleases. Such will be the state of things, if the proposition made shall take effect.

All this may be proper. But, as an honest man, I cannot possibly give my vote for it, until I have considered it more fully. I will not deny that our Constitution may have faults, and that those faults, when found, ought to be corrected; but, on the whole, that Constitution has been our own pride, and an object of admiration to all other nations. It is not everything which appears at first view to be faulty, in such a complicated plan, that is to be determined to be so in reality. To enable us to correct the Constitution, the whole Constitution must be viewed together; and it must be compared with the actual state of the people, and the circumstances of the time. For that which taken singly and by itself may appear to be wrong, when considered with relation to other things, may be perfectly right, — or at least such as ought to be patiently endured, as the means of preventing something that is worse. So far with regard to what at first view may appear a *distemper* in the Constitution. As to the *remedy* of that distemper an equal caution ought to be used; because this latter consideration is not single and separate, no more than the former. There are many things in reformation which would be proper to be done, if other things can be done along with them, but which, if they cannot be so accompanied, ought not to be done at all. I therefore wish, when any new matter of this deep nature is proposed to me, to have the whole scheme distinctly in my view, and full time to consider of it. Please God, I will walk with caution, whenever I am not able clearly to see my way before me.

I am now growing old. I have from my very early youth been conversant in reading and thinking upon the subject of our laws and Constitution, as well as upon those of other times and other countries; I have been for fifteen years a very laborious member of Parliament, and in that time have had great opportunities of seeing with my own eyes the working of the machine of our government, and remarking where it went smoothly and did its business, and where it checked in its movements, or where it damaged its work; I have also had and used the opportunities of conversing with men of the greatest wisdom and fullest experience in those matters; and I do declare to you most solemnly and most truly, that, on the result of all this reading, thinking, experience, and communication, I am not able to come to an immediate resolution in favor of a change of the groundwork of our Constitution, and in particular, that, in the present state of the country, in the present state of our representation, in the present state of our rights and modes of electing, in the present state of the several prevalent interests, in the present state of the affairs and manners of this country, the addition of an hundred knights of the shire, and hurrying election on election, will be things advantageous to liberty or good government.

This is the present condition of my mind; and this is my apology for not going as fast as others may choose to go in this business. I do not by any means reject the propositions; much less do I condemn the gentlemen who, with equal good intentions, with much better abilities, and with infinitely greater personal weight and consideration than mine, are of opinion that this matter ought to be decided upon instantly.

I most heartily wish that the deliberate sense of the kingdom on this great subject should be known. When it is known, it *must* be prevalent. It would be dreadful indeed, if there was any power in the nation capable of resisting its unanimous desire, or even the desire of any very great and decided majority of the people. The people may be deceived in their choice of an object; but I can scarcely conceive any choice they can make to be so very mischievous as the existence of any human force capable of resisting it. It will certainly be the duty of every man, in the situation to which God has called him, to give his best opinion and advice upon the matter: it will *not* be his duty, let him think what he will, to use any violent or any fraudulent means of counteracting the general wish, or even of employing the legal and constructive organ of expressing the people's sense against the sense which they do actually entertain.

In order that the real sense of the people should be known upon so great an affair as this, it is of absolute necessity that timely notice should be given, — that the matter should be prepared in open committees, from a choice into which no class or description of men is to be excluded, — and the subsequent county meetings should be as full and as well attended as possible. Without these precautions, the true sense of the people will ever be uncertain. Sure I am, that no precipitate resolution on a great change in the fundamental constitution of any country can ever be called the real sense of the people.

I trust it will not be taken amiss, if, as an inhabitant and freeholder of this county, (one, indeed, among the most inconsiderable,) I assert my right of dissenting (as I do dissent fully and directly) from

any resolution whatsoever on the subject of an alteration in the representation and election of the kingdom *at this time*. By preserving this right, and exercising it with temper and moderation, I trust I cannot offend the noble proposer, for whom no man professes or feels more respect and regard than I do. A want of concurrence in *everything* which *can* be proposed will in no sort weaken the energy or distract the efforts of men of upright intentions upon those points in which they are agreed. Assemblies that are met, and with a resolution to be all of a mind, are assemblies that can have no opinion at all of their own. The first proposer of any measure must be their master. I do not know that an amicable variety of sentiment, conducted with mutual good-will, has any sort of resemblance to discord, or that it can give any advantage whatsoever to the enemies of our common cause. On the contrary, a forced and fictitious agreement (which every universal agreement must be) is not becoming the cause of freedom. If, however, any evil should arise from it, (which I confess I do not foresee,) I am happy that those who have brought forward new and arduous matter, when very great doubts and some diversity of opinion must be foreknown, are of authority and weight enough to stand against the consequences.

I humbly lay these my sentiments before the county. They are not taken up to serve any interests of my own, or to be subservient to the interests of any man or set of men under heaven. I could wish to be able to attend our meeting, or that I had time to reason this matter more fully by letter; but I am detained here upon our business: what you have already put upon us is as much as we can do. If we

are prevented from going through it with any effect, I fear it will be in part owing not more to the resistance of the enemies of our cause than to our imposing on ourselves such tasks as no human faculties, employed as we are, can be equal to. Our worthy members have shown distinguished ability and zeal in support of our petition. I am just going down to a bill brought in to frustrate a capital part of your desires. The minister is preparing to transfer the cognizance of the public accounts from those whom you and the Constitution have chosen to control them, to unknown persons, creatures of his own. For so much he annihilates Parliament.

I have the honor, &c.

EDMUND BURKE.

CHARLES STREET, 12th April, 1780.

FRAGMENTS OF A TRACT

RELATIVE TO

THE LAWS AGAINST POPERY

IN IRELAND.

NOTE.

The condition of the Roman Catholics in Ireland appears to have engaged the attention of Mr. Burke at a very early period of his political life. It was probably soon after the year 1765 that he formed the plan of a work upon that subject, the fragments of which are now given to the public. No title is prefixed to it in the original manuscript; and the *Plan*, which it has been thought proper to insert here, was evidently designed merely for the convenience of the author. Of the first chapter some unconnected fragments only, too imperfect for publication, have been found. Of the second there is a considerable portion, perhaps nearly the whole; but the copy from which it is printed is evidently a first rough draught. The third chapter, as far as it goes, is taken from a fair, corrected copy; but the end of the second part of the first head is left unfinished, and the discussion of the second and third heads was either never entered upon or the manuscript containing it has unfortunately been lost. What follows the third chapter appears to have been designed for the beginning of the fourth, and is evidently the first rough draught; and to this we have added a fragment which appears to have been a part either of this or the first chapter.

In the volume with which it is intended to close this posthumous publication of Mr. Burke's Works, we shall have occasion to enter into a more particular account of the part which he took in the discussion of this great political question. At present it may suffice to say, that the Letter to Mr. Smith, the Second Letter to Sir Hercules Langrishe, and the Letter to his Son, which here follow in order the Fragment on the Popery Laws, are the only writings upon this subject found amongst his papers in a state fit to appear in this stage of the publication. What remain are some small fragments of the Tract, and a few letters containing no new matter of importance.

TRACT

ON THE POPERY LAWS.

THE PLAN.

I PROPOSE, first, to make an Introduction, in order to show the propriety of a closer inspection into the affairs of Ireland; and this takes up the first chapter, which is to be spent in this introductory matter, and in stating the Popery laws in general, as one leading cause of the imbecility of the country.

CH. II. states particularly the laws themselves, in a plain and popular manner.

CH. III. begins the remarks upon them, under the heads of, 1st, The object, — which is a numerous people; 2ndly, Their means, — a restraint on property; 3rdly, Their instruments of execution, — corrupted morals, which affect the national prosperity.

CH. IV. The impolicy of those laws, as they affect the national security.

CH. V. Reasons by which the laws are supported, and answers to them.

CHAPTER II.

IN order to lay this matter with full satisfaction before the reader, I shall collect into one point of view, and state as shortly and as clearly as I am able, the purport of these laws, according to the

objects which they affect, without making at present any further observation upon them, but just what shall be necessary to render the drift and intention of the legislature and the tendency and operation of the laws the more distinct and evident.

I shall begin with those which relate to the possession and inheritance of landed property in Popish hands. The first operation of those acts upon this object was wholly to change the course of descent by the Common Law, to take away the right of primogeniture, and, in lieu thereof, to substitute and establish a new species of Statute Gavelkind. By this law, on the death of a Papist possessed of an estate in fee simple or in fee tail, the land is to be divided by equal portions between all the male children; and those portions are likewise to be parcelled out, share and share alike, amongst the descendants of each son, and so to proceed in a similar distribution *ad infinitum*. From this regulation it was proposed that some important consequences should follow. First, by taking away the right of primogeniture, perhaps in the very first generation, certainly in the second, the families of Papists, however respectable, and their fortunes, however considerable, would be wholly dissipated, and reduced to obscurity and indigence, without any possibility that they should repair them by their industry or abilities, — being, as we shall see anon, disabled from every species of permanent acquisition. Secondly, by this law the right of testamentation is taken away, which the inferior tenures had always enjoyed, and all tenures from the 27th Hen. VIII. Thirdly, the right of settlement was taken away, that no such persons should, from the moment the act passed, be enabled to advance themselves in fortune

or connection by marriage, being disabled from making any disposition, in consideration of such marriage, but what the law had previously regulated: the reputable establishment of the eldest son, as representative of the family, or to settle a jointure, being commonly the great object in such settlements, which was the very power which the law had absolutely taken away.

The operation of this law, however certain, might be too slow. The present possessors might happen to be long-lived. The legislature knew the natural impatience of expectants, and upon this principle they gave encouragement to children to anticipate the inheritance. For it is provided, that the eldest son of any Papist shall, immediately on his conformity, change entirely the nature and properties of his father's legal estate: if he before held in fee simple, or, in other words, had the entire and absolute dominion over the land, he is reduced to an estate for his life only, with all the consequences of the natural debility of that estate, by which he becomes disqualified to sell, mortgage, charge, (except for his life,) or in any wise to do any act by which he may raise money for relief in his most urgent necessities. The eldest son, so conforming, immediately acquires, and in the lifetime of his father, the permanent part, what our law calls the reversion and inheritance of the estate; and he discharges it by retrospect, and annuls every sort of voluntary settlement made by the father ever so long before his conversion. This he may sell or dispose of immediately, and alienate it from the family forever.

Having thus reduced his father's estate, he may also bring his father into the Court of Chancery, where he may compel him to swear to the value of

his estate, and to allow him out of that possession (which had been before reduced to an estate for life) such an immediate annual allowance as the Lord Chancellor or Lord Keeper shall judge suitable to his age and quality.

This indulgence is not confined to the eldest son. The other children likewise, by conformity, may acquire the same privileges, and in the same manner force from their father an immediate and independent maintenance. It is very well worth remarking, that the statutes have avoided to fix any determinate age for these emancipating conversions; so that the children, at any age, however incapable of choice in other respects, however immature or even infantile, are yet considered sufficiently capable to disinherit their parents, and totally to subtract themselves from their direction and control, either at their own option, or by the instigation of others. By this law the tenure and value of a Roman Catholic in his real property is not only rendered extremely limited and altogether precarious, but the paternal power is in all such families so enervated that it may well be considered as entirely taken away; even the principle upon which it is founded seems to be directly reversed. However, the legislature feared that enough was not yet done upon this head. The Roman Catholic parent, by selling his real estate, might in some sort preserve the dominion over his substance and his family, and thereby evade the operation of these laws, which intended to take away both. Besides, frequent revolutions and many conversions had so broken the landed property of Papists in that kingdom, that it was apprehended that this law could have in a short time but a few objects upon which it would be capable of operating.

To obviate these inconveniences another law was made, by which the dominion of children over their parents was extended universally throughout the whole Popish part of the nation, and every child of every Popish parent was encouraged to come into what is called a court of equity, to prefer a bill against his father, and compel him to confess, upon oath, the quantity and value of his substance, personal as well as real, of what nature soever, or howsoever it might be employed; upon which discovery, the court is empowered to seize upon and allocate, for the immediate maintenance of such child or children, any sum not exceeding a third of the whole fortune: and as to their future establishment on the death of the father, no limits are assigned; the Chancery may, if it thinks fit, take the whole property, personal as well as real, money, stock in trade, &c., out of the power of the possessor, and secure it in any manner they judge expedient for that purpose; for the act has not assigned any sort of limit with regard to the quantity which is to be charged, or given any direction concerning the means of charging and securing it: a law which supersedes all observation.

But the law is still more extensive in its provision. Because there was a possibility that the parent, though sworn, might by false representations evade the discovery of the ultimate value of his estate, a new bill may be at any time brought, by one, any, or all of the children, for a further discovery; his effects are to undergo a fresh scrutiny, and a new distribution is to be made in consequence of it. So that the parent has no security against perpetual inquietude, and the reiteration of Chancery suits, but by (what is somewhat difficult for human nature to comply

with) fully, and without reserve, abandoning his whole property to the discretion of the court, to be disposed of in favor of such children.

But is this enough, and has the parent purchased his repose by such a surrender? Very far from it. The law expressly, and very carefully, provides that he shall not: before he can be secure from the persecution of his children, it requires another and a much more extraordinary condition: the children are authorized, if they can find that their parent has by his industry, or otherwise, increased the value of his property since their first bill, to bring another, compelling a new account of the value of his estate, in order to a new distribution proportioned to the value of the estate at the time of the new bill preferred. They may bring such bills, *toties quoties*, upon every improvement of his fortune, without any sort of limitation of time, or regard to the frequency of such bills, or to the quantity of the increase of the estate, which shall justify the bringing them. This act expressly provides that he shall have no respite from the persecution of his children, but by totally abandoning all thoughts of improvement and acquisition.

This is going a great way, surely: but the laws in question have gone much further. Not satisfied with calling upon children to revolt against their parents, and to possess themselves of their substance, there are cases where the withdrawing of the child from his father's obedience is not left to the option of the child himself: for, if the wife of a Roman Catholic should choose to change her religion, from that moment she deprives her husband of all management and direction of his children, and even of all the tender satisfaction which a parent can feel in their so-

ciety, and which is the only indemnification he can have for all his cares and sorrows; and they are to be torn forever, at the earliest age, from his house and family: for the Lord Chancellor is not only authorized, but he is strongly required, to take away all his children from such Popish parent, to appoint where, in what manner, and by whom they are to be educated; and the father is compelled to pay, not for the ransom, but for the deprivation of his children, and to furnish such a sum as the Chancellor thinks proper to appoint for their education to the age of eighteen years. The case is the same, if the husband should be the conformist; though how the law is to operate in this case I do not see: for the act expressly says, that the child shall be taken from such Popish parent; and whilst such husband and wife cohabit, it will be impossible to put it into execution without taking the child from one as well as from the other; and then the effect of the law will be, that, if either husband or wife becomes Protestant, both are to be deprived of their children.

The paternal power thus being wholly abrogated, it is evident that by the last regulation the power of an husband over his wife is also considerably impaired; because, if it be in her power, whenever she pleases, to subtract the children from his protection and obedience, she herself by that hold inevitably acquires a power and superiority over her husband.

But she is not left dependent upon this oblique influence: for, if in any marriage settlement the husband has reserved to him a power of making a jointure, and he dies without settling any, her conformity executes his powers, and executes them in as large extent as the Chancellor thinks fit. The husband is

deprived of that coercive power over his wife which he had in his hands by the use he might make of the discretionary power reserved in the settlement.

But if no such power had been reserved, and no such settlement existed, yet, if the husband dies, leaving his conforming wife without a fixed provision by some settlement on his real estate, his wife may apply to Chancery, where she shall be allotted a portion from his leases, and other personal estate, not exceeding one third of his whole clear substance. The laws in this instance, as well as in the former, have presumed that the husband has omitted to make all the provision which he might have done, for no other reason than that of her religion. If, therefore, she chooses to balance any domestic misdemeanors to her husband by the public merit of conformity to the Protestant religion, the law will suffer no plea of such misdemeanors to be urged on the husband's part, nor proof of that kind to be entered into. She acquires a provision totally independent of his favor, and deprives him of that source of domestic authority which the Common Law had left to him, that of rewarding or punishing, by a voluntary distribution of his effects, what in his opinion was the good or ill behavior of his wife.

Thus the laws stand with regard to the property already acquired, to its mode of descent, and to family powers. Now as to the new acquisition of real property, and both to the acquisition and security of personal, the law stands thus: —

All persons of that persuasion are disabled from taking or purchasing, directly or by a trust, any lands, any mortgage upon land, any rents or profits from land, any lease, interest, or term of any land,

any annuity for life or lives or years, or any estate whatsoever, chargeable upon, or which may in any manner affect, any lands.

One exception, and one only, is admitted by the statutes to the universality of this exclusion, viz., a lease for a term not exceeding thirty-one years. But even this privilege is charged with a prior qualification. This remnant of a right is doubly curtailed: 1st, that on such a short lease a rent not less than two thirds of the full improved yearly value, at the time of the making it, shall be reserved during the whole continuance of the term; and, 2ndly, it does not extend to the whole kingdom. This lease must also be in possession, and not in reversion. If any lease is made, exceeding either in duration or value, and in the smallest degree, the above limits, the whole interest is forfeited, and vested *ipso facto* in the first Protestant discoverer or informer. This discoverer, thus invested with the property, is enabled to sue for it as his own right. The courts of law are not alone open to him; he may (and this is the usual method) enter into either of the courts of equity, and call upon the parties, and those whom he suspects to be their trustees, upon oath, and under the penalties of perjury, to discover against themselves the exact nature and value of their estates in every particular, in order to induce their forfeiture on the discovery. In such suits the informer is not liable to those delays which the ordinary procedure of those courts throws into the way of the justest claimant; nor has the Papist the indulgence which he [it?] allows to the most fraudulent defendant, that of plea and demurrer; but the defendant is obliged to answer the whole directly upon oath. The rule of *favores ampliandi*, &c., is re-

versed by this act, lest any favor should be shown, or the force and operation of the law in any part of its progress be enervated. All issues to be tried on this act are to be tried by none but known Protestants.

It is here necessary to state as a part of this law what has been for some time generally understood as a certain consequence of it. The act had expressly provided that a Papist could possess no sort of estate which might affect land (except as before excepted). On this a difficulty did, not unnaturally, arise. It is generally known, a judgment being obtained or acknowledged for any debt, since the statute of Westm. 2, 13 Ed. I. c. 18, one half of the debtor's land is to be delivered unto the creditor until the obligation is satisfied, under a writ called *Elegit*, and this writ has been ever since the ordinary assurance of the land, and the great foundation of general credit in the nation. Although the species of holding under this writ is not specified in the statute, the received opinion, though not juridically delivered, has been, that, if they attempt to avail themselves of that security, because it may create an estate, however precarious, in land, their whole debt or charge is forfeited, and becomes the property of the Protestant informer. Thus you observe, first, that by the express words of the law all possibility of acquiring any species of valuable property, in any sort connected with land, is taken away; and, secondly, by the construction all security for money is also cut off. No security is left, except what is merely personal, and which, therefore, most people who lend money would, I believe, consider as none at all.

Under this head of the acquisition of property, the law meets them in every road of industry, and in its

direct and consequential provisions throws almost all sorts of obstacles in their way. For they are not only excluded from all offices in Church and State, which, though a just and necessary provision, is yet no small restraint in the acquisition, but they are interdicted from the army, and the law, in all its branches. This point is carried to so scrupulous a severity, that chamber practice, and even private conveyancing, the most voluntary agency, are prohibited to them under the severest penalties and the most rigid modes of inquisition. They have gone beyond even this: for every barrister, six clerk, attorney, or solicitor, is obliged to take a solemn oath not to employ persons of that persuasion, — no, not as hackney clerks, at the miserable salary of seven shillings a week. No tradesman of that persuasion is capable by any service or settlement to obtain his freedom in any town corporate; so that they trade and work in their own native towns as aliens, paying, as such, quarterage, and other charges and impositions. They are expressly forbidden, in whatever employment, to take more than two apprentices, except in the linen manufacture only.

In every state, next to the care of the life and properties of the subject, the education of their youth has been a subject of attention. In the Irish laws this point has not been neglected. Those who are acquainted with the constitution of our universities need not be informed that none but those who conform to the Established Church can be at all admitted to study there, and that none can obtain degrees in them who do not previously take all the tests, oaths, and declarations. Lest they should be enabled to sup-

ply this defect by private academies and schools of their own, the law has armed itself with all its terrors against such a practice. Popish schoolmasters of every species are proscribed by those acts, and it is made felony to teach even in a private family. So that Papists are entirely excluded from an education in any of our authorized establishments for learning at home. In order to shut up every avenue to instruction, the act of King William in Ireland has added to this restraint by precluding them from all foreign education.

This act is worthy of attention on account of the singularity of some of its provisions. Being sent for education to any Popish school or college abroad, upon conviction, incurs (if the party sent has any estate of inheritance) a kind of unalterable and perpetual outlawry. The tender and incapable age of such a person, his natural subjection to the will of others, his necessary, unavoidable ignorance of the laws, stands for nothing in his favor. He is disabled to sue in law or equity; to be guardian, executor, or administrator; he is rendered incapable of any legacy or deed of gift; he forfeits all his goods and chattels forever; and he forfeits for his life all his lands, hereditaments, offices, and estate of freehold, and all trusts, powers, or interests therein. All persons concerned in sending them or maintaining them abroad, by the least assistance of money or otherwise, are involved in the same disabilities, and subjected to the same penalties.

The mode of conviction is as extraordinary as the penal sanctions of this act. A justice of peace, upon information that any child is sent away, may require to be brought before him all persons charged or even

suspected of sending or assisting, and examine them and other persons on oath concerning the fact. If on this examination he finds it *probable* that the party was sent contrary to this act, he is then to bind over the parties and witnesses in any sum he thinks fit, but not less than two hundred pounds, to appear and take their trial at the next quarter sessions. Here the justices are to reëxamine evidence, until they arrive, as before, to what shall appear to them a probability. For the rest they resort to the accused: if they can prove that any person, or any money, or any bill of exchange, has been sent abroad by the party accused, they throw the proof upon him to show for what innocent purposes it was sent; and on failure of such proof, he is subjected to all the above-mentioned penalties. Half the forfeiture is given to the crown; the other half goes to the informer.

It ought here to be remarked, that this mode of conviction not only concludes the party has failed in his expurgatory proof, but it is sufficient also to subject to the penalties and incapacities of the law the infant upon whose account the person has been so convicted. It must be confessed that the law has not left him without some species of remedy in this case apparently of much hardship, where one man is convicted upon evidence given against another, if he has the good fortune to live; for, within a twelvemonth after his return, or his age of twenty-one, he has a right to call for a new trial, in which he also is to undertake the negative proof, and to show by sufficient evidence that he has not been sent abroad against the intention of the act. If he succeeds in this difficult exculpation, and demonstrates his innocence to the satisfaction of the court, he forfeits all his goods and

chattels, and all the profits of his lands incurred and received before such acquittal; but he is freed from all other forfeitures, and from all subsequent incapacities. There is also another method allowed by the law in favor of persons under such unfortunate circumstances, as in the former case for their innocence, in this upon account of their expiation: if within six months after their return, with the punctilious observation of many ceremonies, they conform to the Established Church, and take all the oaths and subscriptions, the legislature, in consideration of the incapable age in which they were sent abroad, of the merit of their early conformity, and to encourage conversions, only confiscates, as in the former case, the whole personal estate, and the profits of the real; in all other respects, restoring and rehabilitating the party.

So far as to property and education. There remain some other heads upon which the acts have changed the course of the Common Law; and first, with regard to the right of self-defence, which consists in the use of arms. This, though one of the rights by the law of Nature, yet is so capable of abuses that it may not be unwise to make some regulations concerning them; and many wise nations have thought proper to set several restrictions on this right, especially temporary ones, with regard to suspected persons, and on occasion of some imminent danger to the public from foreign invasion or domestic commotions.

But provisions in time of trouble proper, and perhaps necessary, may become in time of profound peace a scheme of tyranny. The method which the statute law of Ireland has taken upon this delicate

article is, to get rid of all difficulties at once by an universal prohibition to all persons, at all times, and under all circumstances, who are not Protestants, of using or keeping any kind of weapons whatsoever. In order to enforce this regulation, the whole spirit of the Common Law is changed, very severe penalties are enjoined, the largest powers are vested in the lowest magistrates. Any two justices of peace, or magistrates of a town, with or without information, at their pleasure, by themselves or their warrant, are empowered to enter and search the house of any Papist, or even of any other person, whom they suspect to keep such arms in trust for them. The only limitation to the extent of this power is, that the search is to be made between the rising and setting of the sun: but even this qualification extends no further than to the execution of the act in the open country; for in all cities and their suburbs, in towns corporate and market-towns, they may at their discretion, and without information, break open houses and institute such search at any hour of the day or night. This, I say, they may do at their discretion; and it seems a pretty ample power in the hands of such magistrates. However, the matter does by no means totally rest on their discretion. Besides the discretionary and occasional search, the statute has prescribed one that is general and periodical. It is to be made annually, by the warrant of the justices at their midsummer quarter sessions, by the high and petty constables, or any others whom they may authorize, and by all corporate magistrates, in all houses of Papists, and every other where they suspect arms for the use of such persons to be concealed, with the same powers, in all respects, which attend the occa-

sional search. The whole of this regulation, concerning both the general and particular search, seems to have been made by a legislature which was not at all extravagantly jealous of personal liberty. Not trusting, however, to the activity of the magistrate acting officially, the law has invited all voluntary informers by considerable rewards, and even pressed involuntary informers into this service by the dread of heavy penalties. With regard to the latter method, two justices of peace, or the magistrate of any corporation, are empowered to summon before them any persons whatsoever, to tender them an oath by which they oblige them to discover all persons who have any arms concealed contrary to law. Their refusal or declining to appear, or, appearing, their refusal to inform, subjects them to the severest penalties. If peers or peeresses are summoned (for they may be summoned by the bailiff of a corporation of six cottages) to perform this honorable service, and refuse to inform, the first offence is three hundred pounds penalty; the second is *præmunire*, — that is to say, imprisonment for life, and forfeiture of all their goods. Persons of an inferior order are, for the first offence, fined thirty pounds; for the second, they, too, are subjected to *præmunire*. So far as to involuntary; — now as to voluntary informers: the law entitles them to half the penalty incurred by carrying or keeping arms; for, on conviction of this offence, the penalty upon persons, of whatever substance, is the sum of fifty pounds and a year's imprisonment, which cannot be remitted even by the crown.

The only exception to this law is a license from the Lord Lieutenant and Council to carry arms, which, by its nature, is extremely limited, and I do not sup-

pose that there are six persons now in the kingdom who have been fortunate enough to obtain it.

There remains, after this system concerning property and defence, to say something concerning the exercise of religion, which is carried on in all persuasions, but especially in the Romish, by persons appointed for that purpose. The law of King William and Queen Anne ordered all Popish parsons exercising ecclesiastical jurisdiction, all orders of monks and friars, and all priests, not then actually in parishes, and to be registered, to be banished the kingdom; and if they should return from exile, to be hanged, drawn, and quartered. Twenty pounds reward is given for apprehending them. Penalty on harboring and concealing.

As all the priests then in being and registered are long since dead, and as these laws are made perpetual, every Popish priest is liable to the law.

The reader has now before him a tolerably complete view of the Popery laws relative to property by descent or acquisition, to education, to defence, and to the free exercise of religion, which may be necessary to enable him to form some judgment of the spirit of the whole system, and of the subsequent reflections that are to be made upon it.

CHAPTER III.

PART I.

THE system which we have just reviewed, and the manner in which religious influence on the public is

made to operate upon the laws concerning property in Ireland, is in its nature very singular, and differs, I apprehend, essentially, and perhaps to its disadvantage, from any scheme of religious persecution now existing in any other country in Europe, or which has prevailed in any time or nation with which history has made us acquainted. I believe it will not be difficult to show that it is unjust, impolitic, and inefficacious; that it has the most unhappy influence on the prosperity, the morals, and the safety of that country; that this influence is not accidental, but has flowed as the necessary and direct consequence of the laws themselves, first on account of the object which they affect, and next by the quality of the greatest part of the instruments they employ. Upon all these points, first upon the general, and then on the particular, this question will be considered with as much order as can be followed in a matter of itself as involved and intricate as it is important.

The first and most capital consideration with regard to this, as to every object, is the extent of it. And here it is necessary to premise, this system of penalty and incapacity has for its object no small sect or obscure party, but a very numerous body of men, — a body which comprehends at least two thirds of that whole nation: it amounts to 2,800,000 souls, a number sufficient for the materials constituent of a great people. Now it is well worthy of a serious and dispassionate examination, whether such a system, respecting such an object, be in reality agreeable to any sound principles of legislation or any authorized definition of law; for if our reasons or practices differ from the general informed sense of mankind, it is very moderate to say that they are at least suspicious.

This consideration of the magnitude of the object ought to attend us through the whole inquiry: if it does not always affect the reason, it is always decisive on the importance of the question. It not only makes in itself a more leading point, but complicates itself with every other part of the matter, giving every error, minute in itself, a character and significance from its application. It is therefore not to be wondered at, if we perpetually recur to it in the course of this essay.

In the making of a new law it is undoubtedly the duty of the legislator to see that no injustice be done even to an individual: for there is then nothing to be unsettled, and the matter is under his hands to mould it as he pleases; and if he finds it untractable in the working, he may abandon it without incurring any new inconvenience. But in the question concerning the repeal of an old one, the work is of more difficulty; because laws, like houses, lean on one another, and the operation is delicate, and should be necessary: the objection, in such a case, ought not to arise from the natural infirmity of human institutions, but from substantial faults which contradict the nature and end of law itself, — faults not arising from the imperfection, but from the misapplication and abuse of our reason. As no legislators can regard the *minima* of equity, a law may in some instances be a just subject of censure without being at all an object of repeal. But if its transgressions against common right and the ends of just government should be considerable in their nature and spreading in their effects, as this objection goes to the root and principle of the law, it renders it void in its obligatory quality on the mind,

and therefore determines it as the proper object of abrogation and repeal, so far as regards its civil existence. The objection here is, as we observed, by no means on account of the imperfection of the law; it is on account of its erroneous principle: for if this be fundamentally wrong, the more perfect the law is made, the worse it becomes. It cannot be said to have the properties of genuine law, even in its imperfections and defects. The true weakness and opprobrium of our best general constitutions is, that they cannot provide beneficially for every particular case, and thus fill, adequately to their intentions, the circle of universal justice. But where the principle is faulty, the erroneous part of the law is the beneficial, and justice only finds refuge in those holes and corners which had escaped the sagacity and inquisition of the legislator. The happiness or misery of multitudes can never be a thing indifferent. A law against the majority of the people is in substance a law against the people itself; its extent determines its invalidity; it even changes its character as it enlarges its operation: it is not particular injustice, but general oppression; and can no longer be considered as a private hardship, which might be borne, but spreads and grows up into the unfortunate importance of a national calamity.

Now as a law directed against the mass of the nation has not the nature of a reasonable institution, so neither has it the authority: for in all forms of government the people is the true legislator; and whether the immediate and instrumental cause of the law be a single person or many, the remote and efficient cause is the consent of the people, either actual or implied; and such consent is absolutely

essential to its validity. To the solid establishment of every law two things are essentially requisite: first, a proper and sufficient human power to declare and modify the matter of the law; and next, such a fit and equitable constitution as they have a right to declare and render binding. With regard to the first requisite, the human authority, it is their judgment they give up, not their right. The people, indeed, are presumed to consent to whatever the legislature ordains for their benefit; and they are to acquiesce in it, though they do not clearly see into the propriety of the means by which they are conducted to that desirable end. This they owe as an act of homage and just deference to a reason which the necessity of government has made superior to their own. But though the means, and indeed the nature, of a public advantage may not always be evident to the understanding of the subject, no one is so gross and stupid as not to distinguish between a benefit and an injury. No one can imagine, then, an exclusion of a great body of men, not from favors, privileges, and trusts, but from the common advantages of society, can ever be a thing intended for their good, or can ever be ratified by any implied consent of theirs. If, therefore, at least an implied human consent is necessary to the existence of a law, such a constitution cannot in propriety be a law at all.

But if we could suppose that such a ratification was made, not virtually, but actually, by the people, not representatively, but even collectively, still it would be null and void. They have no right to make a law prejudicial to the whole community, even though the delinquents in making such an act

should be themselves the chief sufferers by it; because it would be made against the principle of a superior law, which it is not in the power of any community, or of the whole race of man, to alter, — I mean the will of Him who gave us our nature, and in giving impressed an invariable law upon it. It would be hard to point out any error more truly subversive of all the order and beauty, of all the peace and happiness of human society, than the position, that any body of men have a right to make what laws they please, — or that laws can derive any authority from their institution merely, and independent of the quality of the subject-matter. No arguments of policy, reason of state, or preservation of the constitution can be pleaded in favor of such a practice. They may, indeed, impeach the frame of that constitution, but can never touch this immovable principle. This seems to be, indeed, the doctrine which Hobbes broached in the last century, and which was then so frequently and so ably refuted. Cicero exclaims with the utmost indignation and contempt against such a notion: * he considers it not only as unworthy of a philosopher, but of an illiterate peasant; that of all things this was the most truly absurd, to fancy that the rule of justice was to be taken from the constitutions of commonwealths, or that laws derived their authority from the statutes

* Cicero *de Legibus*, Lib. I. 14, 15 et 16. — "O rem dignam, in qua non modo docti, verum etiam agrestes erubescant! Jam vero illud stultissimum existimare omnia justa esse, quæ scita sint in populorum institutis aut legibus," etc. "Quod si populorum jussis, si principum decretis, si sententiis judicum jura constituerentur, jus esset latrocinari, jus adulterare, jus testamenta falsa supponere, si hæc suffragiis aut scitis multitudinis probarentur."

of the people, the edicts of princes, or the decrees of judges. If it be admitted that it is not the black-letter and the king's arms that makes the law, we are to look for it elsewhere.

In reality there are two, and only two, foundations of law; and they are both of them conditions without which nothing can give it any force: I mean equity and utility. With respect to the former, it grows out of the great rule of equality, which is grounded upon our common nature, and which Philo, with propriety and beauty, calls the mother of justice. All human laws are, properly speaking, only declaratory; they may alter the mode and application, but have no power over the substance of original justice. The other foundation of law, which is utility, must be understood, not of partial or limited, but of general and public utility, connected in the same manner with, and derived directly from, our rational nature: for any other utility may be the utility of a robber, but cannot be that of a citizen,—the interest of the domestic enemy, and not that of a member of the commonwealth. This present equality can never be the foundation of statutes which create an artificial difference between men, as the laws before us do, in order to induce a consequential inequality in the distribution of justice. Law is a mode of human action respecting society, and must be governed by the same rules of equity which govern every private action; and so Tully considers it in his Offices as the only utility agreeable to that nature: "*Unum debet esse omnibus propositum, ut eadem sit utilitas uniuscujusque et universorum; quam si ad se quisque rapiat, dissolvetur omnis humana consortio.*"

If any proposition can be clear in itself, it is this:

that a law which shuts out from all secure and valuable property the bulk of the people cannot be made for the utility of the party so excluded. This, therefore, is not the utility which Tully mentions. But if it were true (as it is not) that the real interest of any part of the community could be separated from the happiness of the rest, still it would afford no just foundation for a statute providing exclusively for that interest at the expense of the other; because it would be repugnant to the essence of law, which requires that it be made as much as possible for the benefit of the whole. If this principle be denied or evaded, what ground have we left to reason on? We must at once make a total change in all our ideas, and look for a new definition of law. Where to find it I confess myself at a loss. If we resort to the fountains of jurisprudence, they will not supply us with any that is for our purpose. "*Jus*" (says Paulus) "*pluribus modis dicitur: uno modo, cum id, quod semper æquum et bonum est, jus dicitur, ut est jus naturale*"; — this sense of the word will not be thought, I imagine, very applicable to our penal laws; — "*altero modo, quod omnibus aut pluribus in unaquaque civitate utile est, ut est jus civile.*" Perhaps this latter will be as insufficient, and would rather seem a censure and condemnation of the Popery Acts than a definition that includes them; and there is no other to be found in the whole Digest; neither are there any modern writers whose ideas of law are at all narrower.

It would be far more easy to heap up authorities on this article than to excuse the prolixity and tediousness of producing any at all in proof of a point which, though too often practically denied, is in its

theory almost self-evident. For Suarez, handling this very question, *Utrum de ratione et substantia legis esse ut propter commune bonum feratur*, does not hesitate a moment, finding no ground in reason or authority to render the affirmative in the least degree disputable: "*In quæstione ergo proposita*" (says he) "*nulla est inter authores controversia; sed omnium commune est axioma de substantia et ratione legis esse, ut pro communi bono feratur; ita ut propter illud præcipue tradatur*"; having observed in another place, "*Contra omnem rectitudinem est bonum commune ad privatum ordinare, seu totum ad partem propter ipsum referre.*" Partiality and law are contradictory terms. Neither the merits nor the ill deserts, neither the wealth and importance nor the indigence and obscurity, of the one part or of the other, can make any alteration in this fundamental truth. On any other scheme, I defy any man living to settle a correct standard which may discriminate between equitable rule and the most direct tyranny. For if we can once prevail upon ourselves to depart from the strictness and integrity of this principle in favor even of a considerable party, the argument will hold for one that is less so; and thus we shall go on, narrowing the bottom of public right, until step by step we arrive, though after no very long or very forced deduction, at what one of our poets calls the *enormous faith*, — the faith of the many, created for the advantage of a single person. I cannot see a glimmering of distinction to evade it; nor is it possible to allege any reason for the proscription of so large a part of the kingdom, which would not hold equally to support, under parallel circumstances, the proscription of the whole.

I am sensible that these principles, in their abstract light, will not be very strenuously opposed. Reason is never inconvenient, but when it comes to be applied. Mere general truths interfere very little with the passions. They can, until they are roused by a troublesome application, rest in great tranquillity, side by side with tempers and proceedings the most directly opposite to them. Men want to be reminded, who do not want to be taught; because those original ideas of rectitude, to which the mind is compelled to assent when they are proposed, are not always as present to it as they ought to be. When people are gone, if not into a denial, at least into a sort of oblivion of those ideas, when they know them only as barren speculations, and not as practical motives for conduct, it will be proper to press, as well as to offer them to the understanding; and when one is attacked by prejudices which aim to intrude themselves into the place of law, what is left for us but to vouch and call to warranty those principles of original justice from whence alone our title to everything valuable in society is derived? Can it be thought to arise from a superfluous, vain parade of displaying general and uncontroverted maxims, that we should revert at this time to the first principles of law, when we have directly under our consideration a whole body of statutes, which, I say, are so many contradictions, which their advocates allow to be so many exceptions from those very principles? Take them in the most favorable light, every exception from the original and fixed rule of equality and justice ought surely to be very well authorized in the reason of their deviation, and very rare in their use. For, if they should grow to be frequent, in what would they

differ from an abrogation of the rule itself? By becoming thus frequent, they might even go further, and, establishing themselves into a principle, convert the rule into the exception. It cannot be dissembled that this is not at all remote from the case before us, where the great body of the people are excluded from all valuable property, — where the greatest and most ordinary benefits of society are conferred as privileges, and not enjoyed on the footing of common rights.

The clandestine manner in which those in power carry on such designs is a sufficient argument of the sense they inwardly entertain of the true nature of their proceedings. Seldom is the title or preamble of the law of the same import with the body and enacting part; but they generally place some other color uppermost, which differs from that which is afterwards to appear, or at least one that is several shades fainter. Thus, the penal laws in question are not called laws to oblige men baptized and educated in Popery to renounce their religion or their property, but are called laws to prevent the growth of Popery; as if their purpose was only to prevent conversions to that sect, and not to persecute a million of people already engaged in it. But of all the instances of this sort of legislative artifice, and of the principles that produced it, I never met with any which made a stronger impression on me than that of Louis the Fourteenth, in the revocation of the Edict of Nantes. That monarch had, when he made that revocation, as few measures to keep with public opinion as any man. In the exercise of the most unresisted authority at home, in a career of uninterrupted victory abroad, and in a course of flattery equal to the circumstances of his greatness in both these particulars,

he might be supposed to have as little need as disposition to render any sort of account to the world of his procedure towards his subjects. But the persecution of so vast a body of men as the Huguenots was too strong a measure even for the law of pride and power. It was too glaring a contradiction even to those principles upon which persecution itself is supported. Shocked at the naked attempt, he had recourse, for a palliation of his conduct, to an unkingly denial of the fact which made against him. In the preamble, therefore, to his Act of Revocation, he sets forth that the Edict of Nantes was no longer necessary, as the object of it (the Protestants of his kingdom) were then reduced to a very small number. The refugees in Holland cried out against this misrepresentation. They asserted, I believe with truth, that this revocation had driven two hundred thousand of them out of their country, and that they could readily demonstrate there still remained six hundred thousand Protestants in France. If this were the fact, (as it was undoubtedly,) no argument of policy could have been strong enough to excuse a measure by which eight hundred thousand men were despoiled, at one stroke, of so many of their rights and privileges. Louis the Fourteenth confessed, by this sort of apology, that, if the number had been large, the revocation had been unjust. But, after all, is it not most evident that this act of injustice, which let loose on that monarch such a torrent of invective and reproach, and which threw so dark a cloud over all the splendor of a most illustrious reign, falls far short of the case in Ireland? The privileges which the Protestants of that kingdom enjoyed antecedent to this revocation were far greater than

the Roman Catholics of Ireland ever aspired to under a contrary establishment. The number of their sufferers, if considered absolutely, is not half of ours; if considered relatively to the body of each community, it is not perhaps a twentieth part. And then the penalties and incapacities which grew from that revocation are not so grievous in their nature, nor so certain in their execution, nor so ruinous by a great deal to the civil prosperity of the state, as those which we have established for a perpetual law in our unhappy country. It cannot be thought to arise from affectation, that I call it so. What other name can be given to a country which contains so many hundred thousands of human creatures reduced to a state of the most abject servitude?

In putting this parallel, I take it for granted that we can stand for this short time very clear of our party distinctions. If it were enough, by the use of an odious and unpopular word, to determine the question, it would be no longer a subject of rational disquisition; since that very prejudice which gives these odious names, and which is the party charged for doing so, and for the consequences of it, would then become the judge also. But I flatter myself that not a few will be found who do not think that the names of Protestant and Papist can make any change in the nature of essential justice. Such men will not allow that to be proper treatment to the one of these denominations which would be cruelty to the other, and which converts its very crime into the instrument of its defence: they will hardly persuade themselves that what was bad policy in France can be good in Ireland, or that what was intolerable injustice in an arbitrary monarch becomes, only by

being more extended and more violent, an equitable procedure in a country professing to be governed by law. It is, however, impossible not to observe with some concern, that there are many also of a different disposition, — a number of persons whose minds are so formed that they find the communion of religion to be a close and an endearing tie, and their country to be no bond at all, — to whom common altars are a better relation than common habitations and a common civil interest, — whose hearts are touched with the distresses of foreigners, and are abundantly awake to all the tenderness of human feeling on such an occasion, even at the moment that they are inflicting the very same distresses, or worse, on their fellow-citizens, without the least sting of compassion or remorse. To commiserate the distresses of all men suffering innocently, perhaps meritoriously, is generous, and very agreeable to the better part of our nature, — a disposition that ought by all means to be cherished. But to transfer humanity from its natural basis, our legitimate and home-bred connections, — to lose all feeling for those who have grown up by our sides, in our eyes, the benefit of whose cares and labors we have partaken from our birth, and meretriciously to hunt abroad after foreign affections, is such a disarrangement of the whole system of our duties, that I do not know whether benevolence so displaced is not almost the same thing as destroyed, or what effect bigotry could have produced that is more fatal to society. This no one could help observing, who has seen our doors kindly and bountifully thrown open to foreign sufferers for conscience, whilst through the same ports were issuing fugitives of our own, driven from their country for a cause

which to an indifferent person would seem to be exactly similar, whilst we stood by, without any sense of the impropriety of this extraordinary scene, accusing and practising injustice. For my part, there is no circumstance, in all the contradictions of our most mysterious nature, that appears to be more humiliating than the use we are disposed to make of those sad examples which seem purposely marked for our correction and improvement. Every instance of fury and bigotry in other men, one should think, would naturally fill us with an horror of that disposition. The effect, however, is directly contrary. We are inspired, it is true, with a very sufficient hatred for the party, but with no detestation at all of the proceeding. Nay, we are apt to urge our dislike of such measures as a reason for imitating them, — and, by an almost incredible absurdity, because some powers have destroyed their country by their persecuting spirit, to argue, that we ought to retaliate on them by destroying our own. Such are the effects, and such, I fear, has been the intention, of those numberless books which are daily printed and industriously spread, of the persecutions in other countries and other religious persuasions. — These observations, which are a digression, but hardly, I think, can be considered as a departure from the subject, have detained us some time: we will now come more directly to our purpose.

It has been shown, I hope with sufficient evidence, that a constitution against the interest of the many is rather of the nature of a grievance than of a law; that of all grievances it is the most weighty and important; that it is made without due authority, against all the acknowledged principles of jurispru-

dence, against the opinions of all the great lights in that science; and that such is the tacit sense even of those who act in the most contrary manner. These points are, indeed, so evident, that I apprehend the abettors of the penal system will ground their defence on an admission, and not on a denial of them. They will lay it down as a principle, that the Protestant religion is a thing beneficial for the whole community, as well in its civil interests as in those of a superior order. From thence they will argue, that, the end being essentially beneficial, the means become instrumentally so; that these penalties and incapacities are not final causes of the law, but only a discipline to bring over a deluded people to their real interest, and therefore, though they may be harsh in their operation, they will be pleasant in their effects; and be they what they will, they cannot be considered as a very extraordinary hardship, as it is in the power of the sufferer to free himself when he pleases, and that only by converting to a better religion, which it is his duty to embrace, even though it were attended with all those penalties from whence in reality it delivers him: if he suffers, it is his own fault; *volenti non fit injuria.*

I shall be very short, without being, I think, the less satisfactory, in my answer to these topics, because they never can be urged from a conviction of their validity, and are, indeed, only the usual and impotent struggles of those who are unwilling to abandon a practice which they are unable to defend. First, then, I observe, that, if the principle of their final and beneficial intention be admitted as a just ground for such proceedings, there never was, in the blamable sense of the word, nor ever can be, such a thing

as a religious persecution in the world. Such an intention is pretended by all men, — who all not only insist that their religion has the sanction of Heaven, but is likewise, and for that reason, the best and most convenient to human society. All religious persecution, Mr. Bayle well observes, is grounded upon a miserable *petitio principii*. You are wrong, I am right; you must come over to me, or you must suffer. Let me add, that the great inlet by which a color for oppression has entered into the world is by one man's pretending to determine concerning the happiness of another, and by claiming a right to use what means he thinks proper in order to bring him to a sense of it. It is the ordinary and trite sophism of oppression. But there is not yet such a convenient ductility in the human understanding as to make us capable of being persuaded that men can possibly mean the ultimate good of the whole society by rendering miserable for a century together the greater part of it, — or that any one has such a reversionary benevolence as seriously to intend the remote good of a late posterity, who can give up the present enjoyment which every honest man must have in the happiness of his contemporaries. Everybody is satisfied that a conservation and secure enjoyment of our natural rights is the great and ultimate purpose of civil society, and that therefore all forms whatsoever of government are only good as they are subservient to that purpose to which they are entirely subordinate. Now to aim at the establishment of any form of government by sacrificing what is the substance of it, to take away or at least to suspend the rights of Nature in order to an approved system for the protection of them, and for the sake of that about which men must

dispute forever to postpone those things about which they have no controversy at all, and this not in minute and subordinate, but large and principal objects, is a procedure as preposterous and absurd in argument as it is oppressive and cruel in its effect. For the Protestant religion, nor (I speak it with reverence, I am sure) the truth of our common Christianity, is not so clear as this proposition, — that all men, at least the majority of men in the society, ought to enjoy the common advantages of it. You fall, therefore, into a double error: first, you incur a certain mischief for an advantage which is comparatively problematical, even though you were sure of obtaining it; secondly, whatever the proposed advantage may be, were it of a certain nature, the attainment of it is by no means certain; and such deep gaming for stakes so valuable ought not to be admitted: the risk is of too much consequence to society. If no other country furnished examples of this risk, yet our laws and our country are enough fully to demonstrate the fact: Ireland, after almost a century of persecution, is at this hour full of penalties and full of Papists. This is a point which would lead us a great way; but it is only just touched here, having much to say upon it in its proper place. So that you have incurred a certain and an immediate inconvenience for a remote and for a doubly uncertain benefit. — Thus far as to the argument which would sanctify the injustice of these laws by the benefits which are proposed to arise from them, and as to that liberty which, by a new political chemistry, was to be extracted out of a system of oppression.

Now as to the other point, that the objects of these laws suffer voluntarily: this seems to me to be an

insult rather than an argument. For, besides that it totally annihilates every characteristic and therefore every faulty idea of persecution, just as the former does, it supposes, what is false in fact, that it is in a man's moral power to change his religion whenever his convenience requires it. If he be beforehand satisfied that your opinion is better than his, he will voluntarily come over to you, and without compulsion, and then your law would be unnecessary; but if he is not so convinced, he must know that it is his duty in this point to sacrifice his interest here to his opinion of his eternal happiness, else he could have in reality no religion at all. In the former case, therefore, as your law would be unnecessary, in the latter it would be persecuting: that is, it would put your penalty and his ideas of duty in the opposite scales; which is, or I know not what is, the precise idea of persecution. If, then, you require a renunciation of his conscience, as a preliminary to his admission to the rights of society, you annex, morally speaking, an impossible condition to it. In this case, in the language of reason and jurisprudence, the condition would be void, and the gift absolute; as the practice runs, it is to establish the condition, and to withhold the benefit. The suffering is, then, not voluntary. And I never heard any other argument, drawn from the nature of laws and the good of human society, urged in favor of those proscriptive statutes, except those which have just been mentioned.

CHAPTER III.

PART II.

THE second head upon which I propose to consider those statutes with regard to their object, and which is the next in importance to the magnitude, and of almost equal concern in the inquiry into the justice of these laws, is its possession. It is proper to recollect that this religion, which is so persecuted in its members, is the old religion of the country, and the once established religion of the state, — the very same which had for centuries received the countenance and sanction of the laws, and from which it would at one time have been highly penal to have dissented. In proportion as mankind has become enlightened, the idea of religious persecution, under any circumstances, has been almost universally exploded by all good and thinking men. The only faint shadow of difficulty which remains is concerning the introduction of new opinions. Experience has shown, that, if it has been favorable to the cause of truth, it has not been always conducive to the peace of society. Though a new religious sect should even be totally free in itself from any tumultuous and disorderly zeal, which, however, is rarely the case, it has a tendency to create a resistance from the establishment in possession, productive of great disorders, and thus becomes, innocently indeed, but yet very certainly, the cause of the bitterest dissensions in the commonwealth. To a mind not thoroughly saturated with the tolerating maxims of the Gospel, a preventive persecution, on such principles, might come recommended by strong, and, apparently, no immoral mo-

tives of policy, whilst yet the contagion was recent, and had laid hold but on a few persons. The truth is, these politics are rotten and hollow at bottom, as all that are founded upon any however minute a degree of positive injustice must ever be. But they are specious, and sufficiently so to delude a man of sense and of integrity. But it is quite otherwise with the attempt to eradicate by violence a wide-spreading and established religious opinion. If the people are in an error, to inform them is not only fair, but charitable; to drive them is a strain of the most manifest injustice. If not the right, the presumption, at least, is ever on the side of possession. Are they mistaken? if it does not fully justify them, it is a great alleviation of guilt, which may be mingled with their misfortune, that the error is none of their forging, — that they received it on as good a footing as they can receive your laws and your legislative authority, because it was handed down to them from their ancestors. The opinion may be erroneous, but the principle is undoubtedly right; and you punish them for acting upon a principle which of all others is perhaps the most necessary for preserving society, an implicit admiration and adherence to the establishments of their forefathers.

If, indeed, the legislative authority was on all hands admitted to be the ground of religious persuasion, I should readily allow that dissent would be rebellion. In this case it would make no difference whether the opinion was sucked in with the milk or imbibed yesterday; because the same legislative authority which had settled could destroy it with all the power of a creator over his creature. But this doctrine is universally disowned, and for a

very plain reason. Religion, to have any force on men's understandings, indeed to exist at all, must be supposed paramount to laws, and independent for its substance upon any human institution, — else it would be the absurdest thing in the world, an acknowledged cheat. Religion, therefore, is not believed because the laws have established it, but it is established because the leading part of the community have previously believed it to be true. As no water can rise higher than its spring, no establish ment can have more authority than it derives from its principle; and the power of the government can with no appearance of reason go further coercively than to bind and hold down those who have once consented to their opinions. The consent is the origin of the whole. If they attempt to proceed further, they disown the foundation upon which their own establishment was built, and they claim a religious assent upon mere human authority, which has been just now shown to be absurd and preposterous, and which they in fact confess to be so.

However, we are warranted to go thus far. The people often actually do (and perhaps they cannot in general do better) take their religion, not on the coercive, which is impossible, but on the influencing authority of their governors, as wise and informed men. But if they once take a religion on the word of the state, they cannot in common sense do so a second time, unless they have some concurrent reason for it. The prejudice in favor of your wisdom is shook by your change. You confess that you have been wrong, and yet you would pretend to dictate by your sole authority; whereas you disengage the mind by embarrassing it. For why should I prefer

your opinion of to-day to your persuasion of yesterday? If we must resort to prepossessions for the ground of opinion, it is in the nature of man rather to defer to the wisdom of times past, whose weakness is not before his eyes, than to the present, of whose imbecility he has daily experience. Veneration of antiquity is congenial to the human mind. When, therefore, an establishment would persecute an opinion in possession, it sets against it all the powerful prejudices of human nature. It even sets its own authority, when it is of most weight, against itself in that very circumstance in which it must necessarily have the least; and it opposes the stable prejudice of time against a new opinion founded on mutability: a consideration that must render compulsion in such a case the more grievous, as there is no security, that, when the mind is settled in the new opinion, it may not be obliged to give place to one that is still newer, or even to a return of the old. But when an ancient establishment begins early to persecute an innovation, it stands upon quite other grounds, and it has all the prejudices and presumptions on its side. It puts its own authority, not only of compulsion, but prepossession, the veneration of past age, as well as the activity of the present time, against the opinion only of a private man or set of men. If there be no reason, there is at least some consistency in its proceedings. Commanding to constancy, it does nothing but that of which it sets an example itself. But an opinion at once new and persecuting is a monster; because, in the very instant in which it takes a liberty of change, it does not leave to you even a liberty of perseverance.

Is, then, no improvement to be brought into soci-

ety? Undoubtedly; but not by compulsion, — but by encouragement, — but by countenance, favor, privileges, which are powerful, and are lawful instruments. The coercive authority of the state is limited to what is necessary for its existence. To this belongs the whole order of criminal law. It considers as crimes (that is, the object of punishment) trespasses against those rules for which society was instituted. The law punishes delinquents, not because they are not good men, but because they are intolerably wicked. It does bear, and must, with the vices and the follies of men, until they actually strike at the root of order. This it does in things actually moral. In all matters of speculative improvement the case is stronger, even where the matter is properly of human cognizance. But to consider an averseness to improvement, the not arriving at perfection, as a crime, is against all tolerably correct jurisprudence; for, if the resistance to improvement should be great and any way general, they would in effect give up the necessary and substantial part in favor of the perfection and the finishing.

But, say the abettors of our penal laws, this old possessed superstition is such in its principles, that society, on its general principles, cannot subsist along with it. Could a man think such an objection possible, if he had not actually heard it made, — an objection contradicted, not by hypothetical reasonings, but the clear evidence of the most decisive facts? Society not only exists, but flourishes at this hour, with this superstition, in many countries, under every form of government, — in some established, in some tolerated, in others upon an equal footing. And was there no civil society at all in these kingdoms before

the Reformation? To say it was not as well constituted as it ought to be is saying nothing at all to the purpose; for that assertion evidently regards improvement, not existence. It certainly did then exist; and it as certainly then was at least as much to the advantage of a very great part of society as what we have brought in the place of it: which is, indeed, a great blessing to those who have profited of the change; but to all the rest, as we have wrought, that is, by blending general persecution with partial reformation, it is the very reverse. We found the people heretics and idolaters; we have, by way of improving their condition, rendered them slaves and beggars: they remain in all the misfortune of their old errors, and all the superadded misery of their recent punishment. They were happy enough, in their opinion at least, before the change; what benefits society then had, they partook of them all. They are now excluded from those benefits; and, so far as civil society comprehends them, and as we have managed the matter, our persecutions are so far from being necessary to its existence, that our very reformation is made in a degree noxious. If this be improvement, truly I know not what can be called a depravation of society.

But as those who argue in this manner are perpetually shifting the question, having begun with objecting, in order to give a fair and public color to their scheme, to a toleration of those opinions as subversive of society in general, they will surely end by abandoning the broad part of the argument, and attempting to show that a toleration of them is inconsistent with the established government among us. Now, though this position be in reality as untenable as the

other, it is not altogether such an absurdity on the face of it. All I shall here observe is, that those who lay it down little consider what a wound they are giving to that establishment for which they pretend so much zeal. However, as this is a consideration, not of general justice, but of particular and national policy, and as I have reserved a place expressly, where it will undergo a thorough discussion, I shall not here embarrass myself with it, — being resolved to preserve all the order in my power, in the examination of this important, melancholy subject.

However, before we pass from this point concerning possession, it will be a relaxation of the mind, not wholly foreign to our purpose, to take a short review of the extraordinary policy which has been held with regard to religion in that kingdom, from the time our ancestors took possession of it. The most able antiquaries are of opinion, and Archbishop Usher, whom I reckon amongst the first of them, has, I think, shown, that a religion not very remote from the present Protestant persuasion was that of the Irish before the union of that kingdom to the crown of England. If this was not directly the fact, this at least seems very probable, that Papal authority was much lower in Ireland than in other countries. This union was made under the authority of an arbitrary grant of Pope Adrian, in order that the Church of Ireland should be reduced to the same servitude with those that were nearer to his see. It is not very wonderful that an ambitious monarch should make use of any pretence in his way to so considerable an object. What is extraordinary is, that for a very long time, even quite down to the Reformation, and in their most solemn acts, the kings of England

founded their title wholly on this grant: they called for obedience from the people of Ireland, not on principles of subjection, but as vassals and mesne lords between them and the Popes; and they omitted no measure of force or policy to establish that Papal authority, with all the distinguishing articles of religion connected with it, and to make it take deep root in the minds of the people. Not to crowd instances unnecessary, I shall select two, one of which is in print, the other on record, — the one a treaty, the other an act of Parliament. The first is the submission of the Irish chiefs to Richard the Second, mentioned by Sir John Davies. In this pact they bind themselves for the future to preserve peace and allegiance to the kings of England, under certain pecuniary penalties. But what is remarkable, these fines were all covenanted to be paid into the Apostolical Chamber, supposing the Pope as the superior power, whose peace was broken and whose majesty was violated in disobeying his governor. By this time, so far as regarded England, the kings had extremely abridged the Papal power in many material particulars: they had passed the Statute of Provisors, the Statute of *Præmunire*, — and, indeed, struck out of the Papal authority all things, at least, that seemed to infringe on their temporal independence. In Ireland, however, their proceeding was directly the reverse: there they thought it expedient to exalt it at least as high as ever: for, so late as the reign of Edward the Fourth, the following short, but very explicit, act of Parliament was passed: —

IV. Ed. Cap. 3.

"An act, whereby letters patent of pardon from the king to those that sue to Rome for certain benefices is void. Rot. Parl.

"Item, At the request of the commons, it is ordeyned and established, by authority of the said Parliament, that all maner letters patents of the king, of pardons or pardon granted by the king, or hereafter to be granted, to any provisor that claim any title by the bulls of the Pope to any maner benefices, where, at the time of the impetrating of the said bulls of provision, the benefice is full of an incumbent, that then the said letters patents of pardon or pardons be void in law and of none effect."

When, by every expedient of force and policy, by a war of some centuries, by extirpating a number of the old, and by bringing in a number of new people full of those opinions and intending to propagate them, they had fully compassed their object, they suddenly took another turn, — commenced an opposite persecution, made heavy laws, carried on mighty wars, inflicted and suffered the worst evils, extirpated the mass of the old, brought in new inhabitants; and they continue at this day an oppressive system, and may for four hundred years to come, to eradicate opinions which by the same violent means they had been four hundred years endeavoring by every means to establish. They compelled the people to submit, by the forfeiture of all their civil rights, to the Pope's authority, in its most extravagant and unbounded sense, as a giver of kingdoms; and now they refuse even to tolerate them in the most moderate and chas

tised sentiments concerning it. No country, I believe, since the world began, has suffered so much on account of religion, or has been so variously harassed both for Popery and for Protestantism.

It will now be seen, that, even if these laws could be supposed agreeable to those of Nature in these particulars, on another and almost as strong a principle they are yet unjust, as being contrary to positive compact, and the public faith most solemnly plighted. On the surrender of Limerick, and some other Irish garrisons, in the war of the Revolution, the Lords Justices of Ireland and the commander-in-chief of the king's forces signed a capitulation with the Irish, which was afterwards ratified by the king himself by *inspeximus* under the great seal of England. It contains some public articles relative to the whole body of the Roman Catholics in that kingdom, and some with regard to the security of the greater part of the inhabitants of five counties. What the latter were, or in what manner they were observed, is at this day of much less public concern. The former are two, — the first and the ninth. The first is of this tenor: — "The Roman Catholics of this kingdom [Ireland] shall enjoy such privileges in the exercise of their religion as are consistent with the laws of Ireland, or as they did enjoy in the reign of King Charles the Second. And their Majesties, as soon as affairs will permit them to summon a Parliament in this kingdom, will endeavor to procure the said Roman Catholics such farther security in that particular as may preserve them from any disturbance upon the account of their said religion." The ninth article is to this effect: — "The oath to be administered to such Roman Catholics as submit to their Majesties'

government shall be the oath abovesaid, and no other," — viz., the oath of allegiance, made by act of Parliament in England, in the first year of their then Majesties; as required by the second of the Articles of Limerick. Compare this latter article with the penal laws, as they are stated in the Second Chapter, and judge whether they seem to be the public acts of the same power, and observe whether other oaths are tendered to them, and under what penalties. Compare the former with the same laws, from the beginning to the end, and judge whether the Roman Catholics have been preserved, agreeably to the sense of the article, from any disturbance upon account of their religion, — or rather, whether on that account there is a single right of Nature or benefit of society which has not been either totally taken away or considerably impaired.

But it is said, that the legislature was not bound by this article, as it has never been ratified in Parliament. I do admit that it never had that sanction, and that the Parliament was under no obligation to ratify these articles by any express act of theirs. But still I am at a loss how they came to be the less valid, on the principles of our Constitution, by being without that sanction. They certainly bound the king and his successors. The words of the article do this, or they do nothing; and so far as the crown had a share in passing those acts, the public faith was unquestionably broken. In Ireland such a breach on the part of the crown was much more unpardonable in administration than it would have been here. They have in Ireland a way of preventing any bill even from approaching the royal presence, in matters of far less importance than the honor and faith

of the crown and the well-being of a great body of the people. For, besides that they might have opposed the very first suggestion of it in the House of Commons, it could not be framed into a bill without the approbation of the Council in Ireland. It could not be returned to them again without the approbation of the King and Council here. They might have met it again in its second passage through that House of Parliament in which it was originally suggested, as well as in the other. If it had escaped them through all these mazes, it was again to come before the Lord Lieutenant, who might have sunk it by a refusal of the royal assent. The Constitution of Ireland has interposed all those checks to the passing of any constitutional act, however insignificant in its own nature. But did the administration in that reign avail themselves of any one of those opportunities? They never gave the act of the eleventh of Queen Anne the least degree of opposition in any one stage of its progress. What is rather the fact, many of the queen's servants encouraged it, recommended it, were in reality the true authors of its passing in Parliament, instead of recommending and using their utmost endeavor to establish a law directly opposite in its tendency, as they were bound to do by the express letter of the very first article of the Treaty of Limerick. To say nothing further of the ministry, who in this instance most shamefully betrayed the faith of government, may it not be a matter of some degree of doubt, whether the Parliament, who do not claim a right of dissolving the force of moral obligation, did not make themselves a party in this breach of contract, by presenting a bill to the crown in direct violation of those articles so solemnly and so recently

executed, which by the Constitution they had full authority to execute?

It may be further objected, that, when the Irish requested the ratification of Parliament to those articles, they did, in effect, themselves entertain a doubt concerning their validity without such a ratification. To this I answer, that the collateral security was meant to bind the crown, and to hold it firm to its engagements. They did not, therefore, call it a *perfecting* of the security, but an *additional* security, which it could not have been, if the first had been void; for the Parliament could not bind itself more than the crown had bound itself. And if all had made but *one* security, neither of them could be called *additional* with propriety or common sense. But let us suppose that they did apprehend there might have been something wanting in this security without the sanction of Parliament. They were, however, evidently mistaken; and this surplusage of theirs did not weaken the validity of the single contract, upon the known principle of law, *Non solent, quæ abundant, vitiare scripturas.* For nothing is more evident than that the crown was bound, and that no act can be made without the royal assent. But the Constitution will warrant us in going a great deal further, and in affirming, that a treaty executed by the crown, and contradictory of no preceding law, is full as binding on the whole body of the nation as if it had twenty times received the sanction of Parliament; because the very same Constitution which has given to the Houses of Parliament their definite authority has also left in the crown the trust of making peace, as a consequence, and much the best consequence, of the prerogative of making war. If the

peace was ill made, my Lord Galmoy, Coningsby, and Porter, who signed it, were responsible; because they were subject to the community. But its own contracts are not subject to it: it is subject to them; and the compact of the king acting constitutionally was the compact of the nation.

Observe what monstrous consequences would result from a contrary position. A foreign enemy has entered, or a strong domestic one has arisen in the nation. In such events the circumstances may be, and often have been, such that a Parliament cannot sit. This was precisely the case in that rebellion in Ireland. It will be admitted also, that their power may be so great as to make it very prudent to treat with them, in order to save effusion of blood, perhaps to save the nation. Now could such a treaty be at all made, if your enemies, or rebels, were fully persuaded, that, in these times of confusion, there was no authority in the state which could hold out to them an inviolable pledge for their future security, but that there lurked in the Constitution a dormant, but irresistible power, who would not think itself bound by the ordinary subsisting and contracting authority, but might rescind its acts and obligations at pleasure? This would be a doctrine made to perpetuate and exasperate war; and on that principle it directly impugns the law of nations, which is built upon this principle, that war should be softened as much as possible, and that it should cease as soon as possible, between contending parties and communities. The king has a power to pardon individuals. If the king holds out his faith to a robber, to come in on a promise of pardon, of life and estate, and, in all respects, of a full indemnity, shall the Parliament say

that he must nevertheless be executed, that his estate must be forfeited, or that he shall be abridged of any of the privileges which he before held as a subject? Nobody will affirm it. In such a case, the breach of faith would not only be on the part of the king who assented to such an act, but on the part of the Parliament who made it. As the king represents the whole contracting capacity of the nation, so far as his prerogative (unlimited, as I said before, by any precedent law) can extend, he acts as the national procurator on all such occasions. What is true of a robber is true of a rebel; and what is true of one robber or rebel is as true, and it is a much more important truth, of one hundred thousand.

To urge this part of the argument further is, indeed, I fear, not necessary, for two reasons: first, that it seems tolerably evident in itself; and next, that there is but too much ground to apprehend that the actual ratification of Parliament would, in the then temper of parties, have proved but a very slight and trivial security. Of this there is a very strong example in the history of those very articles: for, though the Parliament omitted in the reign of King William to ratify the first and most general of them, they did actually confirm the second and more limited, that which related to the security of the inhabitants of those five counties which were in arms when the treaty was made.

CHAPTER IV.

In the foregoing book we considered these laws in a very simple point of view, and in a very general

one, — merely as a system of hardship imposed on the body of the community; and from thence, and from some other arguments, inferred the general injustice of such a procedure. In this we shall be obliged to be more minute; and the matter will become more complex as we undertake to demonstrate the mischievous and impolitic consequences which the particular mode of this oppressive system, and the instruments which it employs, operating, as we said, on this extensive object, produce on the national prosperity, quiet, and security.

The stock of materials by which any nation is rendered flourishing and prosperous are its industry, its knowledge or skill, its morals, its execution of justice, its courage, and the national union in directing these powers to one point, and making them all centre in the public benefit. Other than these, I do not know and scarcely can conceive any means by which a community may flourish.

If we show that these penal laws of Ireland destroy not one only, but every one, of these materials of public prosperity, it will not be difficult to perceive that Great Britain, whilst they subsist, never can draw from that country all the advantages to which the bounty of Nature has entitled it.

To begin with the first great instrument of national happiness and strength, its industry: I must observe, that, although these penal laws do, indeed, inflict many hardships on those who are obnoxious to them, yet their chief, their most extensive, and most certain operation is upon property. Those civil constitutions which promote industry are such as facilitate the acquisition, secure the holding, enable the fixing, and suffer the alienation of property. Every

law which obstructs it in any part of this distribution is, in proportion to the force and extent of the obstruction, a discouragement to industry. For a law against property is a law against industry, — the latter having always the former, and nothing else, for its object. Now as to the acquisition of landed property, which is the foundation and support of all the other kinds, the laws have disabled three fourths of the inhabitants of Ireland from acquiring any estate of inheritance for life or years, or any charge whatsoever on which two thirds of the improved yearly value is not reserved for thirty years.

This confinement of landed property to one set of hands, and preventing its free circulation through the community, is a most leading article of ill policy; because it is one of the most capital discouragements to all that industry which may be employed on the lasting improvement of the soil, or is any way conversant about land. A tenure of thirty years is evidently no tenure upon which to build, to plant, to raise inclosures, to change the nature of the ground, to make any new experiment which might improve agriculture, or to do anything more than what may answer the immediate and momentary calls of rent to the landlord, and leave subsistence to the tenant and his family. The desire of acquisition is always a passion of long views. Confine a man to momentary possession, and you at once cut off that laudable avarice which every wise state has cherished as one of the first principles of its greatness. Allow a man but a temporary possession, lay it down as a maxim that he never can have any other, and you immediately and infallibly turn him to temporary enjoyments: and these enjoyments are never the pleasures

of labor and free industry, whose quality it is to famish the present hours and squander all upon prospect and futurity; they are, on the contrary, those of a thoughtless, loitering, and dissipated life. The people must be inevitably disposed to such pernicious habits, merely from the short duration of their tenure which the law has allowed. But it is not enough that industry is checked by the confinement of its views; it is further discouraged by the limitation of its own direct object, profit. This is a regulation extremely worthy of our attention, as it is not a consequential, but a direct discouragement to melioration,—as directly as if the law had said in express terms, "Thou shalt not improve."

But we have an additional argument to demonstrate the ill policy of denying the occupiers of land any solid property in it. Ireland is a country wholly unplanted. The farms have neither dwelling-houses nor good offices; nor are the lands, almost anywhere, provided with fences and communications: in a word, in a very unimproved state. The land-owner there never takes upon him, as it is usual in this kingdom, to supply all these conveniences, and to set down his tenant in what may be called a completely furnished farm. If the tenant will not do it, it is never done. This circumstance shows how miserably and peculiarly impolitic it has been in Ireland to tie down the body of the tenantry to short and unprofitable tenures. A finished and furnished house will be taken for any term, however short: if the repair lies on the owner, the shorter the better. But no one will take one not only unfurnished, but half built, but upon a term which, on calculation, will answer with profit all his charges. It is on this princi-

ple that the Romans established their *emphyteusis*, or fee-farm. For though they extended the ordinary term of their location only to nine years, yet they encouraged a more permanent letting to farm with the condition of improvement, as well as of annual payment, on the part of the tenant, where the land had lain rough and neglected, — and therefore invented this species of engrafted holding, in the later times, when property came to be worse distributed by falling into a few hands.

This denial of landed property to the gross of the people has this further evil effect in preventing the improvement of land, that it prevents any of the property acquired in trade to be regorged, as it were, upon the land. They must have observed very little, who have not remarked the bold and liberal spirit of improvement which persons bred to trade have often exerted on their land-purchases: that they usually come to them with a more abundant command of ready money than most landed men possess; and that they have in general a much better idea, by long habits of calculative dealings, of the propriety of expending in order to acquire. Besides, such men often bring their spirit of commerce into their estates with them, and make manufactures take a root, where the mere landed gentry had perhaps no capital, perhaps no inclination, and, most frequently, not sufficient knowledge, to effect anything of the kind. By these means, what beautiful and useful spots have there not been made about trading and manufacturing towns, and how has agriculture had reason to bless that happy alliance with commerce! and how miserable must that nation be, whose frame of polity has disjoined the landing and the trading interests!

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The great prop of this whole system is not pretended to be its justice or its utility, but the supposed danger to the state, which gave rise to it originally, and which, they apprehend, would return, if this system were overturned. Whilst, say they, the Papists of this kingdom were possessed of landed property, and of the influence consequent to such property, their allegiance to the the crown of Great Britain was ever insecure, the public peace was ever liable to be broken, and Protestants never could be a moment secure either of their properties or of their lives. Indulgence only made them arrogant, and power daring; confidence only excited and enabled them to exert their inherent treachery; and the times which they generally selected for their most wicked and desperate rebellions were those in which they enjoyed the greatest ease and the most perfect tranquillity.

Such are the arguments that are used, both publicly and privately, in every discussion upon this point. They are generally full of passion and of error, and built upon facts which in themselves are most false. It cannot, I confess, be denied, that those miserable performances which go about under the names of Histories of Ireland do, indeed, represent those events after this manner; and they would persuade us, contrary to the known order of Nature, that indulgence and moderation in governors is the natural incitement in subjects to rebel. But there is an interior history of Ireland, the genuine voice of its records and monuments, which speaks a very different language from these histories, from Temple and from Clarendon.: these restore Nature to its just rights, and policy to its proper order. For

they even now show to those who have been at the pains to examine them, and they may show one day to all the world, that these rebellions were not produced by toleration, but by persecution, — that they arose not from just and mild government, but from the most unparalleled oppression. These records will be far from giving the least countenance to a doctrine so repugnant to humanity and good sense as that the security of any establishment, civil or religious, can ever depend upon the misery of those who live under it, or that its danger can arise from their quiet and prosperity. God forbid that the history of this or any country should give such encouragement to the folly or vices of those who govern! If it can be shown that the great rebellions of Ireland have arisen from attempts to reduce the natives to the state to which they are now reduced, it will show that an attempt to continue them in that state will rather be disadvantageous to the public peace than any kind of security to it. These things have in some measure begun to appear already; and as far as regards the argument drawn from former rebellions, it will fall readily to the ground. But, for my part, I think the real danger to every state is, to render its subjects justly discontented; nor is there in politics or science any more effectual secret for their security than to establish in their people a firm opinion that no change can be for their advantage. It is true that bigotry and fanaticism may for a time draw great multitudes of people from a knowledge of their true and substantial interest. But upon this I have to remark three things. First, that such a temper can never become universal, or last for a long time The principle of religion is seldom lasting; the ma-

jority of men are in no persuasion bigots; they are not willing to sacrifice, on every vain imagination that superstition or enthusiasm holds forth, or that even zeal and piety recommend, the certain possession of their temporal happiness. And if such a spirit has been at any time roused in a society, after it has had its paroxysm it commonly subsides and is quiet, and is even the weaker for the violence of its first exertion: security and ease are its mortal enemies. But, secondly, if anything can tend to revive and keep it up, it is to keep alive the passions of men by ill usage. This is enough to irritate even those who have not a spark of bigotry in their constitution to the most desperate enterprises; it certainly will inflame, darken, and render more dangerous the spirit of bigotry in those who are possessed by it. Lastly, by rooting out any sect, you are never secure against the effects of fanaticism; it may arise on the side of the most favored opinions; and many are the instances wherein the established religion of a state has grown ferocious and turned upon its keeper, and has often torn to pieces the civil establishment that had cherished it, and which it was designed to support: France, — England, — Holland.

But there may be danger of wishing a change, even where no religious motive can operate; and every enemy to such a state comes as a friend to the subject; and where other countries are under terror, they begin to hope.

This argument *ad verecundiam* has as much force as any such have. But I think it fares but very indifferently with those who make use of it; for they would get but little to be proved abettors of tyranny at the expense of putting me to an inconvenient ac-

knowledgment. For if I were to confess that there are circumstances in which it would be better to establish such a religion . . . . .

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With regard to the Pope's interest. This foreign chief of their religion cannot be more formidable to us than to other Protestant countries. To conquer that country for himself is a wild chimera; to encourage revolt in favor of foreign princes is an exploded idea in the politics of that court. Perhaps it would be full as dangerous to have the people under the conduct of factious pastors of their own as under a foreign ecclesiastical court.

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In the second year of the reign of Queen Elizabeth were enacted several limitations in the acquisition or the retaining of property, which had, so far as regarded any general principles, hitherto remained untouched under all changes.

These bills met no opposition either in the Irish Parliament or in the English Council, except from private agents, who were little attended to; and they passed into laws with the highest and most general applauses, as all such things are in the beginning, not as a system of persecution, but as masterpieces of the most subtle and refined politics. And to say the truth, these laws, at first view, have rather an appearance of a plan of vexatious litigation and crooked law-chicanery than of a direct and sanguinary attack upon the rights of private conscience: because they did not affect life, at least with regard to the laity; and making the Catholic opinions rather the subject of civil regulations than of criminal pros-

ecutions, to those who are not lawyers and read these laws they only appear to be a species of jargon. For the execution of criminal law has always a certain appearance of violence. Being exercised directly on the persons of the supposed offenders, and commonly executed in the face of the public, such executions are apt to excite sentiments of pity for the sufferers, and indignation against those who are employed in such cruelties, — being seen as single acts of cruelty, rather than as ill general principles of government. But the operation of the laws in question being such as common feeling brings home to every man's bosom, they operate in a sort of comparative silence and obscurity; and though their cruelty is exceedingly great, it is never seen in a single exertion, and always escapes commiseration, being scarce known, except to those who view them in a general, which is always a cold and phlegmatic light. The first of these laws being made with so general a satisfaction, as the chief governors found that such things were extremely acceptable to the leading people in that country, they were willing enough to gratify them with the ruin of their fellow-citizens; they were not sorry to divert their attention from other inquiries, and to keep them fixed to this, as if this had been the only real object of their national politics; and for many years there was no speech from the throne which did not with great appearance of seriousness recommend the passing of such laws, and scarce a session went over without in effect passing some of them, until they have by degrees grown to be the most considerable head in the Irish statute-book. At the same time giving a temporary and occasional mitigation to the severity of some of the harshest

of those laws, they appeared in some sort the protectors of those whom they were in reality destroying by the establishment of general constitutions against them. At length, however, the policy of this expedient is worn out; the passions of men are cooled; those laws begin to disclose themselves, and to produce effects very different from those which were promised in making them: for crooked counsels are ever unwise; and nothing can be more absurd and dangerous than to tamper with the natural foundations of society, in hopes of keeping it up by certain contrivances.

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LETTER

TO

WILLIAM SMITH, ESQ.,

ON THE SUBJECT OF

CATHOLIC EMANCIPATION.

JANUARY 29, 1795.

LETTER.*

MY DEAR SIR, — Your letter is, to myself, infinitely obliging: with regard to you, I can find no fault with it, except that of a tone of humility and disqualification, which neither your rank, nor the place you are in, nor the profession you belong to, nor your very extraordinary learning and talents, will in propriety demand or perhaps admit. These dispositions will be still less proper, if you should feel them in the extent your modesty leads you to express them. You have certainly given by far too strong a proof of self-diffidence by asking the opinion of a man circumstanced as I am, on the important subject of your letter. You are far more capable of forming just conceptions upon it than I can be. However, since you are pleased to command me to lay before you my thoughts, as materials upon which your better judgment may operate, I shall obey you, and submit them, with great deference, to your melioration or rejection.

But first permit me to put myself in the right. I owe you an answer to your former letter. It did not desire one, but it deserved it. If not for an answer, it called for an acknowledgment. It was a new favor; and, indeed, I should be worse than insensible,

* William Smith, Esq., to whom this Letter is addressed, was then a member of the Irish Parliament: he is now (1812) one of the Barons of the Court of Exchequer in Ireland.

if I did not consider the honors you have heaped upon me with no sparing hand with becoming gratitude. But your letter arrived to me at a time when the closing of my long and last business in life, a business extremely complex, and full of difficulties and vexations of all sorts, occupied me in a manner which those who have not seen the interior as well as exterior of it cannot easily imagine. I confess that in the crisis of that rude conflict I neglected many things that well deserved my best attention, — none that deserved it better, or have caused me more regret in the neglect, than your letter. The instant that business was over, and the House had passed its judgment on the conduct of the managers, I lost no time to execute what for years I had resolved on: it was, to quit my public station, and to seek that tranquillity, in my very advanced age, to which, after a very tempestuous life, I thought myself entitled. But God has thought fit (and I unfeignedly acknowledge His justice) to dispose of things otherwise. So heavy a calamity has fallen upon me as to disable me for business and to disqualify me for repose. The existence I have I do not know that I can call life. Accordingly, I do not meddle with any one measure of government, though, for what reasons I know not, you seem to suppose me deeply in the secret of affairs. I only know, so far as your side of the water is concerned, that your present excellent Lord Lieutenant (the best man in every relation that I have ever been acquainted with) has perfectly pure intentions with regard to Ireland, and of course that he wishes cordially well to those who form the great mass of its inhabitants, and who, as they are well or ill managed, must form an important part of its

strength or weakness. If with regard to that great object he has carried over any ready-made system, I assure you it is perfectly unknown to me: I am very much retired from the world, and live in much ignorance. This, I hope, will form my humble apology, if I should err in the notions I entertain of the question which is soon to become the subject of your deliberations. At the same time accept it as an apology for my neglects.

You need make no apology for your attachment to the religious description you belong to. It proves (as in you it is sincere) your attachment to the great points in which the leading divisions are agreed, when the lesser, in which they differ, are so dear to you. I shall never call any religious opinions, which appear important to serious and pious minds, things of no consideration. Nothing is so fatal to religion as indifference, which is, at least, half infidelity. As long as men hold charity and justice to be essential integral parts of religion, there can be little danger from a strong attachment to particular tenets in faith. This I am perfectly sure is your case; but I am not equally sure that either zeal for the tenets of faith, or the smallest degree of charity or justice, have much influenced the gentlemen who, under pretexts of zeal, have resisted the enfranchisement of their country. My dear son, who was a person of discernment, as well as clear and acute in his expressions, said, in a letter of his which I have seen, "that, in order to grace their cause, and to draw some respect to their persons, they pretend to be bigots." But here, I take it, we have not much to do with the theological tenets on the one side of the question or the other. The point itself is prac-

tically decided. That religion is owned by the state. Except in a settled maintenance, it is protected. A great deal of the rubbish, which, as a nuisance, long obstructed the way, is removed. One impediment remained longer, as a matter to justify the proscription of the body of our country, after the rest had been abandoned as untenable ground. But the business of the Pope (that mixed person of politics and religion) has long ceased to be a bugbear: for some time past he has ceased to be even a colorable pretext. This was well known, when the Catholics of these kingdoms, for our amusement, were obliged on oath to disclaim him in his political capacity,— which implied an allowance for them to recognize him in some sort of ecclesiastical superiority. It was a compromise of the old dispute.

For my part, I confess I wish that we had been less eager in this point. I don't think, indeed, that much mischief will happen from it, if things are otherwise properly managed. Too nice an inquisition ought not to be made into opinions that are dying away of themselves. Had we lived an hundred and fifty years ago, I should have been as earnest and anxious as anybody for this sort of abjuration; but, living at the time in which I live, and obliged to speculate forward instead of backward, I must fairly say, I could well endure the existence of every sort of collateral aid which opinion might, in the now state of things, afford to authority. I must see much more danger than in my life I have seen, or than others will venture seriously to affirm that they see, in the Pope aforesaid, (though a foreign power, and with his long tail of *et ceteras*,) before I should be active in weakening any hold which government

might think it prudent to resort to, in the management of that large part of the king's subjects. I do not choose to direct all my precautions to the part where the danger does not press, and to leave myself open and unguarded where I am not only really, but visibly attacked.

My whole politics, at present, centre in one point, and to this the merit or demerit of every measure (with me) is referable, — that is, what will most promote or depress the cause of Jacobinism. What is Jacobinism? It is an attempt (hitherto but too successful) to eradicate prejudice out of the minds of men, for the purpose of putting all power and authority into the hands of the persons capable of occasionally enlightening the minds of the people. For this purpose the Jacobins have resolved to destroy the whole frame and fabric of the old societies of the world, and to regenerate them after their fashion. To obtain an army for this purpose, they everywhere engage the poor by holding out to them as a bribe the spoils of the rich. This I take to be a fair description of the principles and leading maxims of the enlightened of our day who are commonly called Jacobins.

As the grand prejudice, and that which holds all the other prejudices together, the first, last, and middle object of their hostility is religion. With that they are at inexpiable war. They make no distinction of sects. A Christian, as such, is to them an enemy. What, then, is left to a real Christian, (Christian as a believer and as a statesman,) but to make a league between all the grand divisions of that name, to protect and to cherish them all, and by no means to proscribe in any manner, more or less, any member of our common party? The divisions which for-

merly prevailed in the Church, with all their overdone zeal, only purified and ventilated our common faith, because there was no common enemy arrayed and embattled to take advantage of their dissensions; but now nothing but inevitable ruin will be the consequence of our quarrels. I think we may dispute, rail, persecute, and provoke the Catholics out of their prejudices; but it is not in ours they will take refuge. If anything is, one more than another, out of the power of man, it is to *create* a prejudice. Somebody has said, that a king may make a nobleman, but he cannot make a gentleman.

All the principal religions in Europe stand upon one common bottom. The support that the whole or the favored parts may have in the secret dispensations of Providence it is impossible to tell; but, humanly speaking, they are all *prescriptive* religions. They have all stood long enough to make prescription and its chain of legitimate prejudices their main stay. The people who compose the four grand divisions of Christianity have now their religion as an habit, and upon authority, and not on disputation, — as all men who have their religion derived from their parents and the fruits of education *must* have it, however the one more than the other may be able to reconcile his faith to his own reason or to that of other men. Depend upon it, they must all be supported, or they must all fall in the crash of a common ruin. The Catholics are the far more numerous part of the Christians in your country; and how can Christianity (that is now the point in issue) be supported under the persecution, or even under the discountenance, of the greater number of Christians? It is a great truth, and which in one of the debates I stated

as strongly as I could to the House of Commons in the last session, that, if the Catholic religion is destroyed by the infidels, it is a most contemptible and absurd idea, that this, or any Protestant Church, can survive that event. Therefore my humble and decided opinion is, that all the three religions prevalent more or less in various parts of these islands ought all, in subordination to the legal establishments as they stand in the several countries, to be all countenanced, protected, and cherished, and that in Ireland particularly the Roman Catholic religion should be upheld in high respect and veneration, and should be, in its place, provided with all the means of making it a blessing to the people who profess it, — that it ought to be cherished as a good, (though not as the most preferable good, if a choice was now to be made,) and not tolerated as an inevitable evil. If this be my opinion as to the Catholic religion as a sect, you must see that I must be to the last degree averse to put a man, upon that account, upon a bad footing with relation to the privileges which the fundamental laws of this country give him as a subject. I am the more serious on the positive encouragement to be given to this religion, (always, however, as secondary,) because the serious and earnest belief and practice of it by its professors forms, as things stand, the most effectual barrier, if not the sole barrier, against Jacobinism. The Catholics form the great body of the lower ranks of your community, and no small part of those classes of the middling that come nearest to them. You know that the seduction of that part of mankind from the principles of religion, morality, subordination, and social order is the great object of the Jacobins. Let them grow lax, skeptical,

careless, and indifferent with regard to religion, and, so sure as we have an existence, it is not a zealous Anglican or Scottish Church principle, but direct Jacobinism, which will enter into that breach. Two hundred years dreadfully spent in experiments to force that people to change the form of their religion have proved fruitless. You have now your choice, for full four fifths of your people, of the Catholic religion or Jacobinism. If things appear to you to stand on this alternative, I think you will not be long in making your option.

You have made, as you naturally do, a very able analysis of powers, and have separated, as the things are separable, civil from political powers. You start, too, a question, whether the civil can be secured without some share in the political. For my part, as abstract questions, I should find some difficulty in an attempt to resolve them. But as applied to the state of Ireland, to the form of our commonwealth, to the parties that divide us, and to the dispositions of the leading men in those parties, I cannot hesitate to lay before you my opinion, that, whilst any kind of discouragements and disqualifications remain on the Catholics, an handle will be made by a factious power utterly to defeat the benefits of any civil rights they may apparently possess. I need not go to very remote times for my examples. It was within the course of about a twelvemonth, that, after Parliament had been led into a step quite unparalleled in its records, after they had resisted all concession, and even hearing, with an obstinacy equal to anything that could have actuated a party domination in the second or eighth of Queen Anne, after the strange adventure of the Grand Juries, and after

Parliament had listened to the sovereign pleading for the emancipation of his subjects, — it was after all this, that such a grudging and discontent was expressed as must justly have alarmed, as it did extremely alarm, the whole of the Catholic body: and I remember but one period in my whole life (I mean the savage period between 1761 and 1767) in which they have been more harshly or contumeliously treated than since the last partial enlargement. And thus I am convinced it will be, by paroxysms, as long as any stigma remains on them, and whilst they are considered as no better than half citizens. If they are kept such for any length of time, they will be made whole Jacobins. Against this grand and dreadful evil of our time (I do not love to cheat myself or others) I do not know any solid security whatsoever; but I am quite certain that what will come nearest to it is to interest as many as you can in the present order of things, religiously, civilly, politically, by all the ties and principles by which mankind are held. This is like to be effectual policy: I am sure it is honorable policy: and it is better to fail, if fail we must, in the paths of direct and manly than of low and crooked wisdom.

As to the capacity of sitting in Parliament, after all the capacities for voting, for the army, for the navy, for the professions, for civil offices, it is a dispute *de lana caprina*, in my poor opinion, — at least on the part of those who oppose it. In the first place, this admission to office, and this exclusion from Parliament, on the principle of an exclusion from political power, is the very reverse of the principle of the English Test Act. If I were to form a judgment from experience rather than theory, I should

doubt much whether the capacity for or even the possession of a seat in Parliament did really convey much of power to be properly called political. I have sat there, with some observation, for nine-and-twenty years, or thereabouts. The power of a member of Parliament is uncertain and indirect; and if power, rather than splendor and fame, were the object, I should think that any of the principal clerks in office, to say nothing of their superiors, (several of whom are disqualified by law for seats in Parliament,) possess far more power than nine tenths of the members of the House of Commons. I might say this of men who seemed, from their fortunes, their weight in their country, and their talents, to be persons of figure there,—and persons, too, not in opposition to the prevailing party in government. But be they what they will, on a fair canvass of the several prevalent Parliamentary interests in Ireland, I cannot, out of the three hundred members of whom the Irish Parliament is composed, discover that above three, or at the utmost four, Catholics would be returned to the House of Commons. But suppose they should amount to thirty, that is, to a tenth part, (a thing I hold impossible for a long series of years, and never very likely to happen,) what is this to those who are to balance them in the one House, and the clear and settled majority in the other? For I think it absolutely impossible, that, in the course of many years, above four or five peers should be created of that communion. In fact, the exclusion of them seems to me only to mark jealousy and suspicion, and not to provide security in any way.—But I return to the old ground. The danger is not there: these are things long since done away. The grand controversy is no longer between you and them.

Forgive this length. My pen has insensibly run on. You are yourself to blame, if you are much fatigued. I congratulate you on the auspicious opening of your session. Surely Great Britain and Ireland ought to join in wreathing a never-fading garland for the head of Grattan. Adieu, my dear Sir. Good nights to you! — I never can have any.

Yours always most sincerely,

EDMUND BURKE.

Jan. 29th, 1795. Twelve at nig\t.

SECOND LETTER

TO

SIR HERCULES LANGRISHE

ON THE

CATHOLIC QUESTION.

MAY 26, 1795.

LETTER.

MY DEAR SIR,—If I am not as early as I ought to be in my acknowledgments for your very kind letter, pray do me the justice to attribute my failure to its natural and but too real cause, a want of the most ordinary power of exertion, owing to the impressions made upon an old and infirm constitution by private misfortune and by public calamity. It is true, I make occasional efforts to rouse myself to something better,—but I soon relapse into that state of languor which must be the habit of my body and understanding to the end of my short and cheerless existence in this world.

I am sincerely grateful for your kindness in connecting the interest you take in the sentiments of an old friend with the able part you take in the service of your country. It is an instance, among many, of that happy temper which has always given a character of amenity to your virtues and a good-natured direction to your talents.

Your speech on the Catholic question I read with much satisfaction. It is solid; it is convincing; it is eloquent; and it ought, on the spot, to have produced that effect which its reason, and that contained in the other excellent speeches on the same side of the question, cannot possibly fail (though with less pleasant consequences) to produce hereafter. What a sad thing it is, that the grand in-

structor, Time, has not yet been able to teach the grand lesson of his own value, and that, in every question of moral and political prudence, it is the choice of the moment which renders the measure serviceable or useless, noxious or salutary!

In the Catholic question I considered only one point: Was it, at the time, and in the circumstances, a measure which tended to promote the concord of the citizens? I have no difficulty in saying it was, — and as little in saying that the present concord of the citizens was worth buying, at a critical season, by granting a few *capacities*, which probably no one man now living is likely to be served or hurt by. When any man tells *you* and *me*, that, if these places were left in the discretion of a Protestant crown, and these memberships in the discretion of Protestant electors or patrons, we should have a Popish official system, and a Popish representation, capable of overturning the Establishment, he only insults our understandings. When any man tells this to *Catholics*, he insults their understandings, and he galls their feelings. It is not the question of the places and seats, it is the real hostile disposition and the *pretended* fears, that leave stings in the minds of the people. I really thought that in the total of the late circumstances, with regard to persons, to things, to principles, and to measures, was to be found a conjuncture favorable to the introduction and to the perpetuation of a general harmony, producing a general strength, which to that hour Ireland was never so happy as to enjoy. My sanguine hopes are blasted, and I must consign my feelings on that terrible disappointment to the same patience in which I have been obliged to bury the vexation I suffered

on the defeat of the other great, just, and honorable causes in which I have had some share, and which have given more of dignity than of peace and advantage to a long, laborious life. Though, perhaps, a want of success might be urged as a reason for making me doubt of the justice of the part I have taken, yet, until I have other lights than one side of the debate has furnished me, I must see things, and feel them too, as I see and feel them. I think I can hardly overrate the malignity of the principles of Protestant ascendency, as they affect Ireland, — or of Indianism, as they affect these countries, and as they affect Asia, — or of Jacobinism, as they affect all Europe and the state of human society itself. The last is the greatest evil. But it readily combines with the others, and flows from them. Whatever breeds discontent at this time will produce that great master-mischief most infallibly. Whatever tends to persuade the people that the *few*, called by whatever name you please, religious or political, are of opinion that their interest is not compatible with that of the *many*, is a great point gained to Jacobinism. Whatever tends to irritate the talents of a country, which have at all times, and at these particularly, a mighty influence on the public mind, is of infinite service to that formidable cause. Unless where Heaven has mingled uncommon ingredients of virtue in the composition, — *quos meliore luto finxit præcordia Titan*, — talents naturally gravitate to Jacobinism. Whatever ill-humors are afloat in the state, they will be sure to discharge themselves in a mingled torrent in the *Cloaca Maxima* of Jacobinism. Therefore people ought well to look about them. First, the physicians are to take care that they do

nothing to irritate this epidemical distemper. It is a foolish thing to have the better of the patient in a dispute. The complaint or its cause ought to be removed, and wise and lenient arts ought to precede the measures of vigor. They ought to be the *ultima*, not the *prima*, not the *tota* ratio of a wise government. God forbid, that, on a worthy occasion, authority should want the means of force, or the disposition to use it! But where a prudent and enlarged policy does not precede it, and attend it too, where the hearts of the better sort of people do not go with the hands of the soldiery, you may call your Constitution what you will, in effect it will consist of three parts, (orders, if you please,) cavalry, infantry, and artillery, — and of nothing else or better.

I agree with you in your dislike of the discourses in Francis Street: but I like as little some of those in College Green. I am even less pleased with the temper that predominated in the latter, as better things might have been expected in the regular family mansion of public discretion than in a new and hasty assembly of unexperienced men, congregated under circumstances of no small irritation. After people have taken your tests, prescribed by yourselves as proofs of their allegiance, to be marked as enemies, traitors, or at best as suspected and dangerous persons, and that they are not to be believed on their oaths, we are not to be surprised, if they fall into a passion, and talk as men in a passion do, intemperately and idly.

The worst of the matter is this: you are partly leading, partly driving into Jacobinism that description of your people whose religious principles, church polity, and habitual discipline might make them an

invincible dike against that inundation. This you have a thousand mattocks and pickaxes lifted up to demolish. You make a sad story of the Pope. *O seri studiorum!* It will not be difficult to get many called Catholics to laugh at this fundamental part of their religion. Never doubt it. You have succeeded in part, and you may succeed completely. But in the present state of men's minds and affairs, do not flatter yourselves that they will piously look to the head of our Church in the place of that Pope whom you make them forswear, and out of all reverence to whom you bully and rail and buffoon them. Perhaps you may succeed in the same manner with all the other tenets of doctrine and usages of discipline amongst the Catholics; but what security have you, that, in the temper and on the principles on which they have made this change, they will stop at the exact sticking-places you have marked in *your* articles? You have no security for anything, but that they will become what are called *Franco-Jacobins*, and reject the whole together. No converts now will be made in a considerable number from one of our sects to the other upon a really religious principle. Controversy moves in another direction.

Next to religion, *property* is the great point of Jacobin attack. Here many of the debaters in your majority, and their writers, have given the Jacobins all the assistance their hearts can wish. When the Catholics desire places and seats, you tell them that this is only a pretext, (though Protestants might suppose it just *possible* for men to like good places and snug boroughs for their own merits,) but that their real view is, to strip Protestants of their property To my certain knowledge, till those Jacobin

lectures were opened in the House of Commons, they never dreamt of any such thing; but now the great professors may stimulate them to inquire (on the new principles) into the foundation of that property, and of all property. If you treat men as robbers, why, robbers, sooner or later, they will become.

A third point of Jacobin attack is on *old traditionary constitutions*. You are apprehensive for yours, which leans from its perpendicular, and does not stand firm on its theory. I like Parliamentary reforms as little as any man who has boroughs to sell for money, or for peerages in Ireland. But it passes my comprehension, in what manner it is that men can be reconciled to the *practical* merits of a constitution, the theory of which is in litigation, by being *practically* excluded from any of its advantages. Let us put ourselves in the place of these people, and try an experiment of the effects of such a procedure on our own minds. Unquestionably, we should be perfectly satisfied, when we were told that Houses of Parliament, instead of being places of refuge for popular liberty, were citadels for keeping us in order as a conquered people. These things play the Jacobin game to a nicety.

Indeed, my dear Sir, there is not a single particular in the Francis-Street declamations, which has not, to your and to my certain knowledge, been taught by the jealous ascendants, sometimes by doctrine, sometimes by example, always by provocation. Remember the whole of 1781 and 1782, in Parliament and out of Parliament; at this very day, and in the worst acts and designs, observe the tenor of the objections with which the College-Green orators of the ascendency reproach the Catholics. You have ob

served, no doubt, how much they rely on the affair of Jackson. Is it not pleasant to hear Catholics reproached for a supposed connection — with whom? — with Protestant clergymen! with Protestant gentlemen! with Mr. Jackson! with Mr. Rowan, &c., &c.! But *egomet mî ignosco*. Conspiracies and treasons are privileged pleasures, not to be profaned by the impure and unhallowed touch of Papists. Indeed, all this will do, perhaps, well enough, with detachments of dismounted cavalry and fencibles from England. But let us not say to Catholics, by way of *argument*, that they are to be kept in a degraded state, because some of them are no better than many of us Protestants. The thing I most disliked in some of their speeches (those, I mean, of the Catholics) was what is called the spirit of liberality, so much and so diligently taught by the ascendants, by which they are made to abandon their own particular interests, and to merge them in the general discontents of the country. It gave me no pleasure to hear of the dissolution of the committee. There were in it a majority, to my knowledge, of very sober, well-intentioned men; and there were none in it but such who, if not continually goaded and irritated, might be made useful to the tranquillity of the country. It is right always to have a few of every description, through whom you may quietly operate on the many, both for the interests of the description, and for the general interest.

Excuse me, my dear friend, if I have a little tried your patience. You have brought this trouble on yourself, by your thinking of a man forgot, and who has no objection to be forgot, by the world. These things we discussed together four or five and thirty

years ago. We were then, and at bottom ever since, of the same opinion on the justice and policy of the whole and of every part of the penal system. You and I, and everybody, must now and then ply and bend to the occasion, and take what can be got. But very sure I am, that, whilst there remains in the law any principle whatever which can furnish to certain politicians an excuse for raising an opinion of their own importance, as necessary to keep their fellow-subjects in order, the obnoxious people will be fretted, harassed, insulted, provoked to discontent and disorder, and practically excluded from the partial advantages from which the letter of the law does not exclude them.

Adieu! my dear Sir,

And believe me very truly yours,

EDMUND BURKE.

BEACONSFIELD, May 26, 1795.

A

LETTER

TO

RICHARD BURKE, ESQ.,

ON

PROTESTANT ASCENDENCY IN IRELAND.

1793.

VOL. VI

LETTER.

MY DEAR SON, — We are all again assembled in town, to finish the last, but the most laborious, of the tasks which have been imposed upon me during my Parliamentary service. We are as well as at our time of life we can expect to be. We have, indeed, some moments of anxiety about you. You are engaged in an undertaking similar in its principle to mine. You are engaged in the relief of an oppressed people. In that service you must necessarily excite the same sort of passions in those who have exercised, and who wish to continue that oppression, that I have had to struggle with in this long labor. As your father has done, you must make enemies of many of the rich, of the proud, and of the powerful. I and you began in the same way. I must confess, that, if our place was of our choice, I could wish it had been your lot to begin the career of your life with an endeavor to render some more moderate and less invidious service to the public. But being engaged in a great and critical work, I have not the least hesitation about your having hitherto done your duty as becomes you. If I had not an assurance not to be shaken from the character of your mind, I should be satisfied on that point by the cry that is raised against you. If you had behaved, as they call it, discreetly, that is, faintly and treacherously, in the execution of your trust, you would have had, for

a while, the good word of all sorts of men, even of many of those whose cause you had betrayed, — and whilst your favor lasted, you might have coined that false reputation into a true and solid interest to yourself. This you are well apprised of; and you do not refuse to travel that beaten road from an ignorance, but from a contempt, of the objects it leads to.

When you choose an arduous and slippery path, God forbid that any weak feelings of my declining age, which calls for soothings and supports, and which can have none but from you, should make me wish that you should abandon what you are about, or should trifle with it! In this house we submit, though with troubled minds, to that order which has connected all great duties with toils and with perils, which has conducted the road to glory through the regions of obloquy and reproach, and which will never suffer the disparaging alliance of spurious, false, and fugitive praise with genuine and permanent reputation. We know that the Power which has settled that order, and subjected you to it by placing you in the situation you are in, is able to bring you out of it with credit and with safety. His will be done! All must come right. You may open the way with pain and under reproach: others will pursue it with ease and with applause.

I am sorry to find that pride and passion, and that sort of zeal for religion which never shows any wonderful heat but when it afflicts and mortifies our neighbor, will not let the ruling description perceive that the privilege for which your clients contend is very nearly as much for the benefit of those who refuse it as those who ask it. I am not to examine into the charges that are daily made on the ad-

ministration of Ireland. I am not qualified to say how much in them is cold truth, and how much rhetorical exaggeration. Allowing some foundation to the complaint, it is to no purpose that these people allege that their government is a job in its administration. I am sure it is a job in its constitution; nor is it possible a scheme of polity, which, in total exclusion of the body of the community, confines (with little or no regard to their rank or condition in life) to a certain set of favored citizens the rights which formerly belonged to the whole, should not, by the operation of the same selfish and narrow principles, teach the persons who administer in that government to prefer their own particular, but well-understood, private interest to the false and ill-calculated private interest of the monopolizing company they belong to. Eminent characters, to be sure, overrule places and circumstances. I have nothing to say to that virtue which shoots up in full force by the native vigor of the seminal principle, in spite of the adverse soil and climate that it grows in. But speaking of things in their ordinary course, in a country of monopoly there *can* be no patriotism. There may be a party spirit, but public spirit there can be none. As to a spirit of liberty, still less can it exist, or anything like it. A liberty made up of penalties! a liberty made up of incapacities! a liberty made up of exclusion and proscription, continued for ages, of four fifths, perhaps, of the inhabitants of all ranks and fortunes! In what does such liberty differ from the description of the most shocking kind of servitude?

But it will be said, in that country some people are free. Why, this is the very description of despotism. *Partial freedom is privilege and prerogative,*

and not liberty. Liberty, such as deserves the name, is an honest, equitable, diffusive, and impartial principle. It is a great and enlarged virtue, and not a sordid, selfish, and illiberal vice. It is the portion of the mass of the citizens, and not the haughty license of some potent individual or some predominant faction.

If anything ought to be despotic in a country, it is its government; because there is no cause of constant operation to make its yoke unequal. But the dominion of a party must continually, steadily, and by its very essence, lean upon the prostrate description. A constitution formed so as to enable a party to overrule its very government, and to overpower the people too, answers the purposes neither of government nor of freedom. It compels that power which ought, and often would be disposed, *equally* to protect the subjects, to fail in its trust, to counteract its purposes, and to become no better than the instrument of the wrongs of a faction. Some degree of influence must exist in all governments. But a government which has no interest to please the body of the people, and can neither support them nor with safety call for their support, nor is of power to sway the domineering faction, can only exist by corruption; and taught by that monopolizing party which usurps the title and qualities of the public to consider the body of the people as out of the constitution, they will consider those who are in it in the light in which they choose to consider themselves. The whole relation of government and of freedom will be a battle or a traffic.

This system, in its real nature, and under its proper appellations, is odious and unnatural, especially when

a constitution is admitted which not only, as all constitutions do profess, has a regard to the good of the multitude, but in its theory makes profession of their power also. But of late this scheme of theirs has been new-christened, — *honestum nomen imponitur vitio*. A word has been lately struck in the mint of the Castle of Dublin; thence it was conveyed to the Tholsel, or City-Hall, where, having passed the touch of the corporation, so respectably stamped and vouched, it soon became current in Parliament, and was carried back by the Speaker of the House of Commons in great pomp, as an offering of homage from whence it came. The word is *ascendency*. It is not absolutely new. But the sense in which I have hitherto seen it used was to signify an influence obtained over the minds of some other person by love and reverence, or by superior management and dexterity. It had, therefore, to this its promotion no more than a moral, not a civil or political use. But I admit it is capable of being so applied; and if the Lord Mayor of Dublin, and the Speaker of the Irish Parliament, who recommend the preservation of the Protestant ascendency, mean to employ the word in that sense, — that is, if they understand by it the preservation of the influence of that description of gentlemen over the Catholics by means of an authority derived from their wisdom and virtue, and from an opinion they raise in that people of a pious regard and affection for their freedom and happiness, — it is impossible not to commend their adoption of so apt a term into the family of politics. It may be truly said to enrich the language. Even if the Lord Mayor and Speaker mean to insinuate that this influence is to be obtained and held by flattering their people, by managing them, by

skilfully adapting themselves to the humors and passions of those whom they would govern, he must be a very untoward critic who would cavil even at this use of the word, though such cajoleries would perhaps be more prudently practised than professed. These are all meanings laudable, or at least tolerable. But when we look a little more narrowly, and compare it with the plan to which it owes its present technical application, I find it has strayed far from its original sense. It goes much further than the privilege allowed by Horace. It is more than *parce detortum*. This Protestant ascendency means nothing less than an influence obtained by virtue, by love, or even by artifice and seduction, — full as little an influence derived from the means by which ministers have obtained an influence which might be called, without straining, an *ascendency*, in public assemblies in England, that is, by a liberal distribution of places and pensions, and other graces of government. This last is wide indeed of the signification of the word. New *ascendency* is the old *mastership*. It is neither more nor less than the resolution of one set of people in Ireland to consider themselves as the sole citizens in the commonwealth, and to keep a dominion over the rest by reducing them to absolute slavery under a military power, and, thus fortified in their power, to divide the public estate, which is the result of general contribution, as a military booty, solely amongst themselves.

The poor word *ascendency*, so soft and melodious in its sound, so lenitive and emollient in its first usage, is now employed to cover to the world the most rigid, and perhaps not the most wise, of all plans of policy. The word is large enough in its

comprehension. I cannot conceive what mode of oppression in civil life, or what mode of religious persecution, may not come within the methods of preserving an *ascendency*. In plain old English, as they apply it, it signifies *pride and dominion* on the one part of the relation, and on the other *subserviency and contempt*, — and it signifies nothing else. The old words are as fit to be set to music as the new; but use has long since affixed to them their true signification, and they sound, as the other will, harshly and odiously to the moral and intelligent ears of mankind.

This ascendency, by being a *Protestant* ascendency, does not better it from the combination of a note or two more in this anti-harmonic scale. If Protestant ascendency means the proscription from citizenship of by far the major part of the people of any country, then Protestant ascendency is a bad thing, and it ought to have no existence. But there is a deeper evil. By the use that is so frequently made of the term, and the policy which is engrafted on it, the name Protestant becomes nothing more or better than the name of a persecuting faction, with a relation of some sort of theological hostility to others, but without any sort of ascertained tenets of its own upon the ground of which it persecutes other men: for the patrons of this Protestant ascendency neither do nor can, by anything positive, define or describe what they mean by the word Protestant. It is defined, as Cowley defines wit, not by what it is, but by what it is not. It is not the Christian religion as professed in the churches holding communion with Rome, the majority of Christians: that is all which, in the latitude of the term, is known

about its signification. This makes such persecutors ten times worse than any of that description that hitherto have been known in the world. The old persecutors, whether Pagan or Christian, whether Arian or Orthodox, whether Catholics, Anglicans, or Calvinists, actually were, or at least had the decorum to pretend to be, strong dogmatists. They pretended that their religious maxims were clear and ascertained, and so useful that they were bound, for the eternal benefit of mankind, to defend or diffuse them, though by any sacrifices of the temporal good of those who were the objects of their system of experiment.

The bottom of this theory of persecution is false. It is not permitted to us to sacrifice the temporal good of any body of men to our own ideas of the truth and falsehood of any religious opinions. By making men miserable in this life, they counteract one of the great ends of charity, which is, in as much as in us lies, to make men happy in every period of their existence, and most in what most depends upon us. But give to these old persecutors their mistaken principle, in their reasoning they are consistent, and in their tempers they may be even kind and good-natured. But whenever a faction would render millions of mankind miserable, some millions of the race coëxistent with themselves, and many millions in their succession, without knowing or so much as pretending to ascertain the doctrines of their own school, (in which there is much of the lash and nothing of the lesson,) the errors which the persons in such a faction fall into are not those that are natural to human imbecility, nor is the least mixture of mistaken kindness to mankind an ingredient

in the severities they inflict. The whole is nothing but pure and perfect malice. It is, indeed, a perfection in that kind belonging to beings of an higher order than man, and to them we ought to leave it.

This kind of persecutors without zeal, without charity, know well enough that religion, to pass by all questions of the truth or falsehood of any of its particular systems, (a matter I abandon to the theologians on all sides,) is a source of great comfort to us mortals, in this our short, but tedious journey through the world. They know, that, to enjoy this consolation, men must believe their religion upon some principle or other, whether of education, habit, theory, or authority. When men are driven from any of those principles on which they have received religion, without embracing with the same assurance and cordiality some other system, a dreadful void is left in their minds, and a terrible shock is given to their morals. They lose their guide, their comfort, their hope. None but the most cruel and hard-hearted of men, who had banished all natural tenderness from their minds, such as those beings of iron, the atheists, could bring themselves to any persecution like this. Strange it is, but so it is, that men, driven by force from their habits in one mode of religion, have, by contrary habits, under the same force, often quietly settled in another. They suborn their reason to declare in favor of their necessity. Man and his conscience cannot always be at war. If the first races have not been able to make a pacification between the conscience and the convenience, their descendants come generally to submit to the violence of the laws, without violence to their minds. As things stood formerly, they possessed a *positive*

scheme of direction and of consolation. In this men may acquiesce. The harsh methods in use with the old class of persecutors were to make converts, not apostates only. If they perversely hated other sects and factions, they loved their own inordinately. But in this Protestant persecution there is anything but benevolence at work. What do the Irish statutes? They do not make a conformity to the *established* religion, and to its doctrines and practices, the condition of getting out of servitude. No such thing. Let three millions of people but abandon all that they and their ancestors have been taught to believe sacred, and to forswear it publicly in terms the most degrading, scurrilous, and indecent for men of integrity and virtue, and to abuse the whole of their former lives, and to slander the education they have received, and nothing more is required of them. There is no system of folly, or impiety, or blasphemy, or atheism, into which they may not throw themselves, and which they may not profess openly, and as a system, consistently with the enjoyment of all the privileges of a free citizen in the happiest constitution in the world.

Some of the unhappy assertors of this strange scheme say they are not persecutors on account of religion. In the first place, they say what is not true. For what else do they disfranchise the people? If the man gets rid of a religion through which their malice operates, he gets rid of all their penalties and incapacities at once. They never afterwards inquire about him. I speak here of their pretexts, and not of the true spirit of the transaction, in which religious bigotry, I apprehend, has little share. Every man has his taste; but I think, if I were so miserable and

undone as to be guilty of premeditated and continued violence towards any set of men, I had rather that my conduct was supposed to arise from wild conceits concerning their religious advantages than from low and ungenerous motives relative to my own selfish interest. I had rather be thought insane in my charity than rational in my malice. This much, my dear son, I have to say of this Protestant persecution, — that is, a persecution of religion itself.

A very great part of the mischiefs that vex the world arises from words. People soon forget the meaning, but the impression and the passion remain. The word Protestant is the charm that locks up in the dungeon of servitude three millions of your people. It is not amiss to consider this spell of potency, this abracadabra, that is hung about the necks of the unhappy, not to heal, but to communicate disease. We sometimes hear of a Protestant *religion*, frequently of a Protestant *interest*. We hear of the latter the most frequently, because it has a positive meaning. The other has none. We hear of it the most frequently, because it has a word in the phrase which, well or ill understood, has animated to persecution and oppression at all times infinitely more than all the dogmas in dispute between religious factions. These are, indeed, well formed to perplex and torment the intellect, but not half so well calculated to inflame the passions and animosities of men.

I do readily admit that a great deal of the wars, seditions, and troubles of the world did formerly turn upon the contention between *interests* that went by the names of Protestant and Catholic. But I imagined that at this time no one was weak enough to believe, or impudent enough to pretend, that ques-

tions of Popish and Protestant opinions or interest are the things by which men are at present menaced with crusades by foreign invasion, or with seditions which shake the foundations of the state at home. It is long since all this combination of things has vanished from the view of intelligent observers. The existence of quite another system of opinions and interests is now plain to the grossest sense. Are these the questions that raise a flame in the minds of men at this day? If ever the Church and the Constitution of England should fall in these islands, (and they will fall together,) it is not Presbyterian discipline nor Popish hierarchy that will rise upon their ruins. It will not be the Church of Rome nor the Church of Scotland, not the Church of Luther nor the Church of Calvin. On the contrary, all these churches are menaced, and menaced alike. It is the new fanatical religion, now in the heat of its first ferment, of the Rights of Man, which rejects all establishments, all discipline, all ecclesiastical, and in truth all civil order, which will triumph, and which will lay prostrate your Church, which will destroy your distinctions, and which will put all your properties to auction, and disperse you over the earth. If the present establishment should fall, it is this religion which will triumph in Ireland and in England, as it has triumphed in France. This religion, which laughs at creeds and dogmas and confessions of faith, may be fomented equally amongst all descriptions and all sects, — amongst nominal Catholics, and amongst nominal Churchmen, and amongst those Dissenters who know little and care less about a presbytery, or any of its discipline, or any of its doctrine. Against this new, this growing, this exterminatory system, all

these churches have a common concern to defend themselves. How the enthusiasts of this rising sect rejoice to see you of the old churches play their game, and stir and rake the cinders of animosities sunk in their ashes, in order to keep up the execution of their plan for your common ruin!

I suppress all that is in my mind about the blindness of those of our clergy who will shut their eyes to a thing which glares in such manifest day. If some wretches amongst an indigent and disorderly part of the populace raise a riot about tithes, there are of these gentlemen ready to cry out that this is an overt act of a treasonable conspiracy. Here the bulls, and the pardons, and the crusade, and the Pope, and the thunders of the Vatican are everywhere at work. There is a plot to bring in a foreign power to destroy the Church. Alas! it is not about popes, but about potatoes, that the minds of this unhappy people are agitated. It is not from the spirit of zeal, but the spirit of whiskey, that these wretches act. Is it, then, not conceived possible that a poor clown can be unwilling, after paying three pounds rent to a gentleman in a brown coat, to pay fourteen shillings to one in a black coat, for his acre of potatoes, and tumultuously to desire some modification of the charge, without being supposed to have no other motive than a frantic zeal for being thus double-taxed to another set of landholders and another set of priests? Have men no self-interest, no avarice, no repugnance to public imposts? Have they no sturdy and restive minds, no undisciplined habits? Is there nothing in the whole mob of irregular passions, which might precipitate some of the common people, in some places, to quarrel with a legal, because they feel it

to be a burdensome imposition? According to these gentlemen, no offence can be committed by Papists but from zeal to their religion. To make room for the vices of Papists, they clear the house of all the vices of men. Some of the common people (not one, however, in ten thousand) commit disorders. Well! punish them as you do, and as you ought to punish them, for their violence against the just property of each individual clergyman, as each individual suffers. Support the injured rector, or the injured impropriator, in the enjoyment of the estate of which (whether on the best plan or not) the laws have put him in possession. Let the crime and the punishment stand upon their own bottom. But now we ought all of us, clergymen most particularly, to avoid assigning another cause of quarrel, in order to infuse a new source of bitterness into a dispute which personal feelings on both sides will of themselves make bitter enough, and thereby involve in it by religious descriptions men who have individually no share whatsoever in those irregular acts. Let us not make the malignant fictions of our own imaginations, heated with factious controversies, reasons for keeping men that are neither guilty nor justly suspected of crime in a servitude equally dishonorable and unsafe to religion and to the state. When men are constantly accused, but know themselves not to be guilty, they must naturally abhor their accusers. There is no character, when malignantly taken up and deliberately pursued, which more naturally excites indignation and abhorrence in mankind, especially in that part of mankind which suffers from it.

I do not pretend to take pride in an extravagant attachment to any sect. Some gentlemen in Ireland

affect that sort of glory. It is to their taste. Their piety, I take it for granted, justifies the fervor of their zeal, and may palliate the excess of it. Being myself no more than a common layman, commonly informed in controversies, leading only a very common life, and having only a common citizen's interest in the Church or in the State, yet to you I will say, in justice to my own sentiments, that not one of those zealots for a Protestant interest wishes more sincerely than I do, perhaps not half so sincerely, for the support of the Established Church in both these kingdoms. It is a great link towards holding fast the connection of religion with the State, and for keeping these two islands, in their present critical independence of constitution, in a close connection of *opinion and affection.* I wish it well, as the religion of the greater number of the primary land-proprietors of the kingdom, with whom all establishments of Church and State, for strong political reasons, ought in my opinion to be firmly connected. I wish it well, because it is more closely combined than any other of the church systems with the *crown*, which is the stay of the mixed Constitution, — because it is, as things now stand, the sole connecting *political* principle between the constitutions of the two independent kingdoms. I have another and infinitely a stronger reason for wishing it well: it is, that in the present time I consider it as one of the main pillars of the Christian religion itself. The body and substance of every religion I regard much more than any of the forms and dogmas of the particular sects. Its fall would leave a great void, which nothing else, of which I can form any distinct idea, might fill. I respect the Catholic hierarchy and the

Presbyterian republic; but I know that the hope or the fear of establishing either of them is, in these kingdoms, equally chimerical, even if I preferred one or the other of them to the Establishment, which certainly I do not.

These are some of my reasons for wishing the support of the Church of Ireland as by law established. These reasons are founded as well on the absolute as on the relative situation of that kingdom. But is it because I love the Church, and the King, and the privileges of Parliament, that I am to be ready for any violence, or any injustice, or any absurdity, in the means of supporting any of these powers, or all of them together? Instead of prating about Protestant ascendencies, Protestant Parliaments ought, in my opinion, to think at last of becoming patriot Parliaments.

The legislature of Ireland, like all legislatures, ought to frame its laws to suit the people and the circumstances of the country, and not any longer to make it their whole business to force the nature, the temper, and the inveterate habits of a nation to a conformity to speculative systems concerning any kind of laws. Ireland has an established government, and a religion legally established, which are to be preserved. It has a people who are to be preserved too, and to be led by reason, principle, sentiment, and interest to acquiesce in that government. Ireland is a country under peculiar circumstances. The people of Ireland are a very mixed people; and the quantities of the several ingredients in the mixture are very much disproportioned to each other. Are we to govern this mixed body as if it were composed of the most simple elements, comprehending

the whole in one system of benevolent legislation? or are we not rather to provide for the several parts according to the various and diversified necessities of the heterogeneous nature of the mass? Would not common reason and common honesty dictate to us the policy of regulating the people, in the several descriptions of which they are composed, according to the natural ranks and classes of an orderly civil society, under a common protecting sovereign, and under a form of constitution favorable at once to authority and to freedom, — such as the British Constitution boasts to be, and such as it is to those who enjoy it?

You have an ecclesiastical establishment, which, though the religion of the prince, and of most of the first class of landed proprietors, is not the religion of the major part of the inhabitants, and which consequently does not answer to *them* any one purpose of a religious establishment. This is a state of things which no man in his senses can call perfectly happy. But it is the state of Ireland. Two hundred years of experiment show it to be unalterable. Many a fierce struggle has passed between the parties. The result is, you cannot make the people Protestants, and they cannot shake off a Protestant government. This is what experience teaches, and what all men of sense of all descriptions know. To-day the question is this: Are we to make the best of this situation, which we cannot alter? The question is: Shall the condition of the body of the people be alleviated in other things, on account of their necessary suffering from their being subject to the burdens of two religious establishments, from one of which they do not partake the least, living or dying, either of

instruction or of consolation, — or shall it be aggravated, by stripping the people thus loaded of everything which might support and indemnify them in this state, so as to leave them naked of every sort of right and of every name of franchise, to outlaw them from the Constitution, and to cut off (perhaps) three millions of plebeian subjects, without reference to property, or any other qualification, from all connection with the popular representation of the kingdom?

As to religion, it has nothing at all to do with the proceeding. Liberty is not sacrificed to a zeal for religion, but a zeal for religion is pretended and assumed to destroy liberty. The Catholic religion is completely free. It has no establishment, — but it is recognized, permitted, and, in a degree, protected by the laws. If a man is satisfied to be a slave, he may be a Papist with perfect impunity. He may say mass, or hear it, as he pleases; but he must consider himself as an outlaw from the British Constitution. If the constitutional liberty of the subject were not the thing aimed at, the direct reverse course would be taken. The franchise would have been permitted, and the mass exterminated. But the conscience of a man left, and a tenderness for it hypocritically pretended, is to make it a trap to catch his liberty.

So much is this the design, that the violent partisans of this scheme fairly take up all the maxims and arguments, as well as the practices, by which tyranny has fortified itself at all times. Trusting wholly in their strength and power, (and upon this they reckon, as always ready to strike wherever they wish to direct the storm,) they abandon all pretext of the general good of the community. They say, that, if

the people, under any given modification, obtain the smallest portion or particle of constitutional freedom, it will be impossible for them to hold their property. They tell us that they act only on the defensive. They inform the public of Europe that their estates are made up of forfeitures and confiscations from the natives; that, if the body of people obtain votes, any number of votes, however small, it will be a step to the choice of members of their own religion; that the House of Commons, in spite of the influence of nineteen parts in twenty of the landed interest now in their hands, will be composed in the whole, or in far the major part, of Papists; that this Popish House of Commons will instantly pass a law to confiscate all their estates, which it will not be in their power to save even by entering into that Popish party themselves, because there are prior claimants to be satisfied; that, as to the House of Lords, though neither Papists nor Protestants have a share in electing them, the body of the peerage will be so obliging and disinterested as to fall in with this exterminatory scheme, which is to forfeit all their estates, the largest part of the kingdom; and, to crown all, that his Majesty will give his cheerful assent to this causeless act of attainder of his innocent and faithful Protestant subjects; that they will be or are to be left, without house or land, to the dreadful resource of living by their wits, out of which they are already frightened by the apprehension of this spoliation with which they are threatened; that, therefore, they cannot so much as listen to any arguments drawn from equity or from national or constitutional policy: the sword is at their throats; beggary and famine at their door. See what it is to have a good look-out, and to see danger at the end of a sufficiently long perspective!

This is, indeed, to speak plain, though to speak nothing very new. The same thing has been said in all times and in all languages. The language of tyranny has been invariable: "The general good is inconsistent with my personal safety." Justice and liberty seem so alarming to these gentlemen, that they are not ashamed even to slander their own titles, to calumniate and call in doubt their right to their own estates, and to consider themselves as novel disseizors, usurpers, and intruders, rather than lose a pretext for becoming oppressors of their fellow-citizens, whom they (not I) choose to describe themselves as having robbed.

Instead of putting themselves in this odious point of light, one would think they would wish to let Time draw his oblivious veil over the unpleasant modes by which lordships and demesnes have been acquired in theirs, and almost in all other countries upon earth. It might be imagined, that, when the sufferer (if a sufferer exists) had forgot the wrong, they would be pleased to forget it too, — that they would permit the sacred name of possession to stand in the place of the melancholy and unpleasant title of grantees of confiscation, which, though firm and valid in law, surely merits the name that a great Roman jurist gave to a title at least as valid in his nation as confiscation would be either in his or in ours: *Tristis et luctuosa successio.*

Such is the situation of every man who comes in upon the ruin of another; his succeeding, under this circumstance, is *tristis et luctuosa successio.* If it had been the fate of any gentleman to profit by the confiscation of his neighbor, one would think he would be more disposed to give him a valuable interest under

him in his land, or to allow him a pension, as I understand one worthy person has done, without fear or apprehension that his benevolence to a ruined family would be construed into a recognition of the forfeited title. The public of England, the other day, acted in this manner towards Lord Newburgh, a Catholic. Though the estate had been vested by law in the greatest of the public charities, they have given him a pension from his confiscation. They have gone further in other cases. On the last rebellion, in 1745, in Scotland, several forfeitures were incurred. They had been disposed of by Parliament to certain laudable uses. Parliament reversed the method which they had adopted in Lord Newburgh's case, and in my opinion did better: they gave the forfeited estates to the successors of the forfeiting proprietors, chargeable in part with the uses. Is this, or anything like this, asked in favor of any human creature in Ireland? It is bounty, it is charity, — wise bounty, and politic charity; but no man can claim it as a right. Here no such thing is claimed as right, or begged as charity. The demand has an object as distant from all considerations of this sort as any two extremes can be. The people desire the privileges inseparably annexed, since Magna Charta, to the freehold which they have by descent or obtain as the fruits of their industry. They call for no man's estate; they desire not to be dispossessed of their own.

But this melancholy and invidious title is a favorite (and, like favorites, always of the least merit) with those who possess every other title upon earth along with it. For this purpose they revive the bitter memory of every dissension which has torn to pieces their miserable country for ages. After what has passed

in 1782, one would not think that decorum, to say nothing of policy, would permit them to call up, by magic charms, the grounds, reasons, and principles of those terrible confiscatory and exterminatory periods. They would not set men upon calling from the quiet sleep of death any Samuel, to ask him by what act of arbitrary monarchs, by what inquisitions of corrupted tribunals and tortured jurors, by what fictitious tenures invented to dispossess whole unoffending tribes and their chieftains. They would not conjure up the ghosts from the ruins of castles and churches, to tell for what attempt to struggle for the independence of an Irish legislature, and to raise armies of volunteers without regular commissions from the crown in support of that independence, the estates of the old Irish nobility and gentry had been confiscated. They would not wantonly call on those phantoms to tell by what English acts of Parliament, forced upon two reluctant kings, the lands of their country were put up to a mean and scandalous auction in every goldsmith's shop in London, or chopped to pieces and cut into rations, to pay the mercenary soldiery of a regicide usurper. They would not be so fond of titles under Cromwell, who, if he avenged an Irish rebellion against the sovereign authority of the Parliament of England, had himself rebelled against the very Parliament whose sovereignty he asserted, full as much as the Irish nation, which he was sent to subdue and confiscate, could rebel against that Parliament, or could rebel against the king, against whom both he and the Parliament which he served, and which he betrayed, had both of them rebelled.

The gentlemen who hold the language of the day

know perfectly well that the Irish in 1641 pretended, at least, that they did not rise against the king: nor in fact did they, whatever constructions law might put upon their act. But full surely they rebelled against the authority of the Parliament of England, and they openly professed so to do. Admitting (I have now no time to discuss the matter) the enormous and unpardonable magnitude of this their crime, they rued it in their persons, and in those of their children and their grandchildren, even to the fifth and sixth generations. Admitting, then, the enormity of this unnatural rebellion in favor of the independence of Ireland, will it follow that it must be avenged forever? Will it follow that it must be avenged on thousands and perhaps hundreds of thousands of those whom they can never trace, by the labors of the most subtle metaphysician of the traduction of crimes, or the most inquisitive genealogist of proscription, to the descendant of any one concerned in that nefarious Irish rebellion against the Parliament of England?

If, however, you could find out these pedigrees of guilt, I do not think the difference would be essential. History records many things which ought to make us hate evil actions; but neither history, nor morals, nor policy can teach us to punish innocent men on that account. What lesson does the iniquity of prevalent factions read to us? It ought to lesson us into an abhorrence of the abuse of our own power in our own day, when we hate its excesses so much in other persons and in other times. To that school true statesmen ought to be satisfied to leave mankind. They ought not to call from the dead all the discussions and litigations which formerly inflamed the

furious factions which had torn their country to pieces; they ought not to rake into the hideous and abominable things which were done in the turbulent fury of an injured, robbed, and persecuted people, and which were afterwards cruelly revenged in the execution, and as outrageously and shamefully exaggerated in the representation, in order, an hundred and fifty years after, to find some color for justifying them in the eternal proscription and civil excommunication of a whole people.

Let us come to a later period of those confiscations with the memory of which the gentlemen who triumph in the acts of 1782 are so much delighted. The Irish again rebelled against the English Parliament in 1688, and the English Parliament again put up to sale the greatest part of their estates. I do not presume to defend the Irish for this rebellion, nor to blame the English Parliament for this confiscation. The Irish, it is true, did not revolt from King James's power. He threw himself upon their fidelity, and they supported him to the best of their feeble power. Be the crime of that obstinate adherence to an abdicated sovereign, against a prince whom the Parliaments of Ireland and Scotland had recognized, what it may, I do not mean to justify this rebellion more than the former. It might, however, admit some palliation in them. In generous minds some small degree of compassion might be excited for an error, where they were misled, as Cicero says to a conqueror, *quadam specie et similitudine pacis*, not without a mistaken appearance of duty, and for which the guilty have suffered, by exile abroad and slavery at home, to the extent of their folly or their offence. The best calculators compute that Ireland lost two hundred

thousand of her inhabitants in that struggle. If the principle of the English and Scottish resistance at the Revolution is to be justified, (as sure I am it is,) the submission of Ireland must be somewhat extenuated. For, if the Irish resisted King William, they resisted him on the very same principle that the English and Scotch resisted King James. The Irish Catholics must have been the very worst and the most truly unnatural of rebels, if they had not supported a prince whom they had seen attacked, not for any designs against *their* religion or *their* liberties, but for an extreme partiality for their sect, and who, far from trespassing on *their* liberties and properties, secured both them and the independence of their country in much the same manner that we have seen the same things done at the period of 1782, — I trust the last revolution in Ireland.

That the Irish Parliament of King James did in some particulars, though feebly, imitate the rigor which had been used towards the Irish, is true enough. Blamable enough they were for what they had done, though under the greatest possible provocation. I shall never praise confiscations or counter-confiscations as long as I live. When they happen by necessity, I shall think the necessity lamentable and odious: I shall think that anything done under it ought not to pass into precedent, or to be adopted by choice, or to produce any of those shocking retaliations which never suffer dissensions to subside. Least of all would I fix the transitory spirit of civil fury by perpetuating and methodizing it in tyrannic government. If it were permitted to argue with power, might one not ask these gentlemen whether it would not be more natural, instead of wantonly

mooting these questions concerning their property, as if it were an exercise in law, to found it on the solid rock of prescription, — the soundest, the most general, and the most recognized title between man and man that is known in municipal or in public jurisprudence? — a title in which not arbitrary institutions, but the eternal order of things, gives judgment; a title which is not the creature, but the master, of positive law; a title which, though not fixed in its term, is rooted in its principle in the law of Nature itself, and is indeed the original ground of all known property: for all property in soil will always be traced back to that source, and will rest there. The miserable natives of Ireland, who ninety-nine in an hundred are tormented with quite other cares, and are bowed down to labor for the bread of the hour, are not, as gentlemen pretend, plodding with antiquaries for titles of centuries ago to the estates of the great lords and squires for whom they labor. But if they were thinking of the titles which gentlemen labor to beat into their heads, where can they bottom their own claims, but in a presumption and a proof that these lands had at some time been possessed by their ancestors? These gentlemen (for they have lawyers amongst them) know as well as I that in England we have had always a prescription or limitation, as all nations have, against each other. The crown was excepted; but that exception is destroyed, and we have lately established a sixty years' possession as against the crown. All titles terminate in prescription, — in which (differently from Time in the fabulous instances) the son devours the father, and the last prescription eats up all the former.

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A

LETTER

ON

THE AFFAIRS OF IRELAND.

1797.

LETTER.

DEAR SIR, — In the reduced state of body and in the dejected state of mind in which I find myself at this very advanced period of my life, it is a great consolation to me to know that a cause I ever have had so very near my heart is taken up by a man of your activity and talents.

It is very true that your late friend, my ever dear and honored son, was in the highest degree solicitous about the final event of a business which he also had pursued for a long time with infinite zeal, and no small degree of success. It was not above half an hour before he left me forever that he spoke with considerable earnestness on this very subject. If I had needed any incentives to do my best for freeing the body of my country from the grievances under which they labor, this alone would certainly call forth all my endeavors.

The person who succeeded to the government of Ireland about the time of that afflicting event had been all along of my sentiments and yours upon this subject; and far from needing to be stimulated by me, that incomparable person, and those in whom he strictly confided, even went before me in their resolution to pursue the great end of government, the satisfaction and concord of the people with whose welfare they were charged. I cannot bear to think on the causes by which this great plan of policy, so man-

ifestly beneficial to both kingdoms, has been defeated.

Your mistake with regard to me lies in supposing that I did not, when his removal was in agitation, strongly and personally represent to several of his Majesty's ministers, to whom I could have the most ready access, the true state of Ireland, and the mischiefs which sooner or later must arise from subjecting the mass of the people to the capricious and interested domination of an exceeding small faction and its dependencies.

That representation was made the last time, or very nearly the last time, that I have ever had the honor of seeing those ministers. I am so far from having any credit with them, on this, or any other public matters, that I have reason to be certain, if it were known that any person in office in Ireland, from the highest to the lowest, were influenced by my opinions, and disposed to act upon them, such an one would be instantly turned out of his employment. You have formed, to my person a flattering, yet in truth a very erroneous opinion, of my power with those who direct the public measures. I never have been directly or indirectly consulted about anything that is done. The judgment of the eminent and able persons who conduct public affairs is undoubtedly superior to mine; but self-partiality induces almost every man to defer something to his own. Nothing is more notorious than that I have the misfortune of thinking that no one capital measure relative to political arrangements, and still less that a new military plan for the defence of either kingdom in this arduous war, has been taken upon any other principle than such as must conduct us to inevitable ruin.

In the state of my mind, so discordant with the tone of ministers, and still more discordant with the tone of opposition, you may judge what degree of weight I am likely to have with either of the parties who divide this kingdom, — even though I were endowed with strength of body, or were possessed of any active situation in the government, which might give success to my endeavors. But the fact is, since the day of my unspeakable calamity, except in the attentions of a very few old and compassionate friends, I am totally out of all social intercourse. My health has gone down very rapidly; and I have been brought hither with very faint hopes of life, and enfeebled to such a degree as those who had known me some time ago could scarcely think credible. Since I came hither, my sufferings have been greatly aggravated, and my little strength still further reduced; so that, though I am told the symptoms of my disorder begin to carry a more favorable aspect, I pass the far larger part of the twenty-four hours, indeed almost the whole, either in my bed or lying upon the couch from which I dictate this. Had you been apprised of this circumstance, you could not have expected anything, as you seem to do, from my active exertions. I could do nothing, if I was still stronger, not even *si meus adforet Hector*.

There is no hope for the body of the people of Ireland, as long as those who are in power with you shall make it the great object of their policy to propagate an opinion on this side of the water that the mass of their countrymen are not to be trusted by their government, and that the only hold which England has upon Ireland consists in preserving a certain very small number of gentlemen in full posses-

sion of a monopoly of that kingdom. This system has disgusted many others besides Catholics and Dissenters.

As to those who on your side are in the opposition to government, they are composed of persons several of whom I love and revere. They have been irritated by a treatment too much for the ordinary patience of mankind to bear into the adoption of schemes which, however *argumentatively* specious, would go *practically* to the inevitable ruin of the kingdom. The opposition always connects the emancipation of the Catholics with these schemes of reformation: indeed, it makes the former only a member of the latter project. The gentlemen who enforce that opposition are, in my opinion, playing the game of their adversaries with all their might; and there is no third party in Ireland (nor in England neither) to separate things that are in themselves so distinct, — I mean the admitting people to the benefits of the Constitution, and a change in the form of the Constitution itself.

As every one knows that a great part of the constitution of the Irish House of Commons was formed about the year 1614 expressly for bringing that House into a state of dependence, and that the new representative was at that time seated and installed by force and violence, nothing can be more impolitic than for those who wish the House to stand on its present basis (as, for one, I most sincerely do) to make it appear to have kept too much the principle of its first institution, and to continue to be as little a virtual as it is an actual representative of the commons. It is the *degeneracy* of such an institution, *so vicious in its principle*, that is to be wished for. If

men have the real benefit of a *sympathetic* representation, none but those who are heated and intoxicated with theory will look for any other. This sort of representation, my dear Sir, must wholly depend, not on the force with which it is upheld, but upon the *prudence* of those who have influence upon it. Indeed, without some such prudence in the use of authority, I do not know, at least in the present time, how any power can long continue.

If it be true that both parties are carrying things to extremities in different ways, the object which you and I have in common, that is to say, the union and concord of our country *on the basis of the actual representation*, without risking those evils which any change in the form of our legislature must inevitably bring on, can never be obtained. On the part of the Catholics (that is to say, of the body of the people of the kingdom) it is a terrible alternative, either to submit to the yoke of declared and insulting enemies, or to seek a remedy in plunging themselves into the horrors and crimes of that Jacobinism which unfortunately is not disagreeable to the principles and inclinations of, I am afraid, the majority of what we call the Protestants of Ireland. The Protestant part of that kingdom is represented by the government itself to be, by whole counties, in nothing less than open rebellion. I am sure that it is everywhere teeming with dangerous conspiracy.

I believe it will be found, that, though the principles of the Catholics, and the incessant endeavors of their clergy, have kept them from being generally infected with the systems of this time, yet, when ever their situation brings them nearer into contact with the Jacobin Protestants, they are more or less infected with their doctrines.

It is a matter for melancholy reflection, but I am fully convinced, that many persons in Ireland would be glad that the Catholics should become more and more infected with the Jacobin madness, in order to furnish new arguments for fortifying them in their monopoly. On any other ground it is impossible to account for the late language of your men in power. If statesmen, (let me suppose for argument,) upon the most solid political principles, conceive themselves obliged to resist the wishes of the far more numerous, and, as things stand, not the worse part of the community, one would think they would naturally put their refusal as much as possible upon temporary grounds, and that they would act towards them in the most conciliatory manner, and would talk to them in the most gentle and soothing language: for refusal, in itself, is not a very gracious thing; and, unfortunately, men are very quickly irritated out of their principles. Nothing is more discouraging to the loyalty of any description of men than to represent to them that their humiliation and subjection make a principal part in the fundamental and invariable policy which regards the conjunction of these two kingdoms. This is not the way to give them a warm interest in that conjunction.

My poor opinion is, that the closest connection between Great Britain and Ireland is essential to the well-being, I had almost said, to the very being, of the two kingdoms. For that purpose I humbly conceive that the whole of the superior, and what I should call *imperial* politics, ought to have its residence here; and that Ireland, locally, civilly, and commercially independent, ought politically to look up to Great Britain in all matters of peace or of

war, — in all those points to be guided by her, — and, in a word, with her to live and to die. At bottom, Ireland has no other choice, — I mean, no other rational choice.

I think, indeed, that Great Britain would be ruined by the separation of Ireland; but as there are degrees even in ruin, it would fall the most heavily on Ireland. By such a separation Ireland would be the most completely undone country in the world, — the most wretched, the most distracted, and, in the end, the most desolate part of the habitable globe. Little do many people in Ireland consider how much of its prosperity has been owing to, and still depends upon, its intimate connection with this kingdom. But, more sensible of this great truth than perhaps any other man, I have never conceived, or can conceive, that the connection is strengthened by making the major part of the inhabitants of your country believe that their ease, and their satisfaction, and their equalization with the rest of their fellow-subjects of Ireland are things adverse to the principles of that connection, — or that their subjection to a small monopolizing junto, composed of one of the smallest of their own internal factions, is the very condition upon which the harmony of the two kingdoms essentially depends. I was sorry to hear that this principle, or something not unlike it, was publicly and fully avowed by persons of great rank and authority in the House of Lords in Ireland.

As to a participation on the part of the Catholics in the privileges and capacities which are withheld, without meaning wholly to depreciate their importance, if I had the honor of being an Irish Catholic, I should be content to expect satisfaction upon that

subject with patience, until the minds of my adversaries, few, but powerful, were come to a proper temper: because, if the Catholics did enjoy, without fraud, chicane, or partiality, some fair portion of those advantages which the law, even as now the law is, leaves open to them, and if the rod were not shaken over them at every turn, their present condition would be tolerable; as compared with their former condition, it would be happy. But the most favorable laws can do very little towards the happiness of a people, when the disposition of the ruling power is adverse to them. Men do not live upon blotted paper. The favorable or the hostile mind of the ruling power is of far more importance to mankind, for good or evil, than the black-letter of any statute. Late acts of Parliament, whilst they fixed at least a temporary bar to the hopes and progress of the larger description of the nation, opened to them certain subordinate objects of equality; but it is impossible that the people should imagine that any fair measure of advantage is intended to them, when they hear the laws by which they were admitted to this limited qualification publicly reprobated as excessive and inconsiderate. They must think that there is a hankering after the old penal and persecuting code. Their alarm must be great, when that declaration is made by a person in very high and important office in the House of Commons, and as the very first specimen and auspice of a new government.

All this is very unfortunate. I have the honor of an old acquaintance, and entertain, in common with you, a very high esteem for the few English persons who are concerned in the government of Ireland; but I am not ignorant of the relation these transitory

ministers bear to the more settled Irish part of your administration. It is a delicate topic, upon which I wish to say but little, though my reflections upon it are many and serious. There is a great cry against English influence. I am quite sure that it is Irish influence that dreads the English habits.

Great disorders have long prevailed in Ireland. It is not long since that the Catholics were the suffering party from those disorders. I am sure they were not protected as the case required. Their sufferings became a matter of discussion in Parliament. It produced the most infuriated declamation against them that I have ever read. An inquiry was moved into the facts. The declamation was at least tolerated, if not approved. The inquiry was absolutely rejected. In that case, what is left for those who are abandoned by government, but to join with the persons who are capable of injuring them or protecting them as they oppose or concur in their designs? This will produce a very fatal kind of union amongst the people; but it is an union which an unequal administration of justice tends necessarily to produce.

If anything could astonish one at this time, it is the war that the rulers in Ireland think it proper to carry on against the person whom they call the Pope, and against all his adherents, whenever they think they have the power of manifesting their hostility. Without in the least derogating from the talents of your theological politicians, or from the military abilities of your commanders (who act on the same principles) in Ireland, and without derogating from the zeal of either, it appears to me that the Protestant Directory of Paris, as statesmen, and the Protestant hero, Buonaparte, as a general, have done more to

destroy the said Pope and all his adherents, in all their capacities, than the junto in Ireland have ever been able to effect. You must submit your *fasces* to theirs, and at best be contented to follow with songs of gratulation, or invectives, according to your humor, the triumphal car of those great conquerors. Had that true Protestant, Hoche, with an army not infected with the slightest tincture of Popery, made good his landing in Ireland, he would have saved you from a great deal of the trouble which is taken to keep under a description of your fellow-citizens obnoxious to you from their religion. It would not have a month's existence, supposing his success. This is the alliance which, under the appearance of hostility, we act as if we wished to promote. All is well, provided we are safe from Popery.

It was not necessary for you, my dear Sir, to explain yourself to *me* (in justification of your good wishes to your fellow-citizens) concerning your total alienation from the principles of the Catholics. I am more concerned in what we agree than in what we differ. You know the impossibility of our forming any judgment upon the opinions, religious, moral, or political, of those who in the largest sense are called Protestants, — at least, as these opinions and tenets form a qualification for holding any civil, judicial, military, or even ecclesiastical situation. I have no doubt of the orthodox opinion of many, both of the clergy and laity, professing the established religion in Ireland, and of many even amongst the Dissenters, relative to the great points of the Christian faith: but that orthodoxy concerns them only as *individuals*. As a *qualification* for employment, we all know that in Ireland it is not necessary that they should profess any

religion at all: so that the war that we make is upon certain theological tenets, about which scholastic disputes are carried on *æquo Marte*, by controvertists, on their side, as able and as learned, and perhaps as well-intentioned, as those are who fight the battle on the other part. To them I would leave those controversies. I would turn my mind to what is more within its competence, and has been more my study, (though, for a man of the world, I have thought of those things,) — I mean, the moral, civil, and political good of the countries we belong to, and in which God has appointed your station and mine. Let every man be as pious as he pleases, and in the way that he pleases; but it is agreeable neither to piety nor to policy to give exclusively all manner of civil privileges and advantages to a *negative* religion, (such is the Protestant without a certain creed,) and at the same time to deny those privileges to men whom we know to agree to an iota in every one *positive* doctrine which all of us who profess the religion authori tatively taught in England hold ourselves, according to our faculties, bound to believe. The Catholics of Ireland (as I have said) have the whole of our *positive* religion: our difference is only a negation of certain tenets of theirs. If we strip ourselves of *that* part of Catholicism, we abjure Christianity. If we drive them from that holding, without engaging them in some other positive religion, (which you know by our qualifying laws we do not,) what do we better than to hold out to them terrors on the one side, and bounties on the other, in favor of that which, for anything we know to the contrary, may be pure atheism?

You are well aware, that, when a man renounces

the Roman religion, there is no civil inconvenience or incapacity whatsoever which shall hinder him from joining any new or old sect of Dissenters, or of forming a sect of his own invention upon the most anti-christian principles. Let Mr. Thomas Paine obtain a pardon, (as on change of ministry he may,) there is nothing to hinder him from setting up a church of his own in the very midst of you. He is a natural-born British subject. His French citizenship does not disqualify him, at least upon a peace. This Protestant apostle is as much above all suspicion of Popery as the greatest and most zealous of your sanhedrim in Ireland can possibly be. On purchasing a qualification, (which his friends of the Directory are not so poor as to be unable to effect,) he may sit in Parliament; and there is no doubt that there is not one of your tests against Popery that he will not take as fairly, and as much *ex animo*, as the best of your zealot statesmen. I push this point no further, and only adduce this example (a pretty strong one, and fully in point) to show what I take to be the madness and folly of driving men, under the existing circumstances, from any *positive* religion whatever into the irreligion of the times, and its sure concomitant principles of anarchy.

When religion is brought into a question of civil and political arrangement, it must be considered more politically than theologically, at least by us, who are nothing more than mere laymen. In that light, the case of the Catholics of Ireland is peculiarly hard, whether they be laity or clergy. If any of them take part, like the gentleman you mention, with some of the most accredited Protestants of the country, in projects which cannot be more abhorrent to your na-

ture and disposition than they are to mine, — in that case, however few these Catholic factions who are united with factious Protestants may be, (and very few they are now, whatever shortly they may become,) on their account the whole body is considered as of suspected fidelity to the crown, and as wholly undeserving of its favor. But if, on the contrary, in those districts of the kingdom where their numbers are the greatest, where they make, in a manner, the whole body of the people, (as, out of cities, in three fourths of the kingdom they do,) these Catholics show every mark of loyalty and zeal in support of the government, which at best looks on them with an evil eye, then their very loyalty is turned against their claims. They are represented as a contented and happy people, and that it is unnecessary to do anything more in their favor. Thus the factious disposition of a few among the Catholics and the loyalty of the whole mass are equally assigned as reasons for not putting them on a par with those Protestants who are asserted by the government itself, which frowns upon Papists, to be in a state of nothing short of actual rebellion, and in a strong disposition to make common cause with the worst foreign enemy that these countries have ever had to deal with. What in the end can come of all this?

As to the Irish Catholic clergy, their condition is likewise most critical. If they endeavor by their influence to keep a dissatisfied laity in quiet, they are in danger of losing the little credit they possess, by being considered as the instruments of a government adverse to the civil interests of their flock. If they let things take their course, they will be represented as colluding with sedition, or at least tacitly encour-

aging it. If they remonstrate against persecution, they propagate rebellion. Whilst government publicly avows hostility to that people, as a part of a regular system, there is no road they can take which does not lead to their ruin.

If nothing can be done on your side of the water, I promise you that nothing will be done here. Whether in reality or only in appearance I cannot positively determine, but you will be left to yourselves by the ruling powers here. It is thus ostensibly and aboveboard; and in part, I believe, the disposition is real. As to the people at large in this country, I am sure they have no disposition to intermeddle in your affairs. They mean you no ill whatever; and they are too ignorant of the state of your affairs to be able to do you any good. Whatever opinion they have on your subject is very faint and indistinct; and if there is anything like a formed notion, even that amounts to no more than a sort of humming that remains on their ears of the burden of the old song about Popery. Poor souls, they are to be pitied, who think of nothing but dangers long passed by, and but little of the perils that actually surround them.

I have been long, but it is almost a necessary consequence of dictating, and that by snatches, as a relief from pain gives me the means of expressing my sentiments. They can have little weight, as coming from me; and I have not power enough of mind or body to bring them out with their natural force. But I do not wish to have it concealed that I am of the same opinion, to my last breath, which I entertained when my faculties were at the best; and I have not held back from men in power in this kingdom, to whom I

have very good wishes, any part of my sentiments on this melancholy subject, so long as I had means of access to persons of their consideration.

I have the honor to be, &c.

END OF VOL. VI.